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No. 44] NEW DELHI, SATURDAY, OCTOBER 29, 1988/KARTIKA 7, 1910

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 10 अक्तूबर, 1988

आदेश

का.आ. 3154.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पठित, धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और केरल राज्य सरकार की सहमति से निम्नलिखित अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तारण संपूर्ण केरल राज्य पर करती है :

(क) श्री टी.वी. आगस्टाइन की मृत्यु से संबंधित मामले में भारतीय दंड संहिता 1860 (1860 का 45) की धारा 302 के अधीन दंडनीय अपराध संख्या 5/88/एस/एस.पी.ई./के.ई. आर. तारीख 26-2-88, जो दिल्ली विशेष पुलिस स्थापन केरल शाखा द्वारा रजिस्ट्रीकृत किया गया (मन्नुथी थाने में रजिस्ट्रीकृत अपराध सं. 246/86, तारीख 30-12-86 के संबंध में) ।

(ख) उक्त वर्णित एक या अधिक अपराधों संबंध में या उनसे संगठित प्रयत्नों, दुष्प्रेरणों और षड्यंत्रों के और उन्हीं तथ्यों से उत्पन्न होने वाले वैसे ही संव्यवहार के अनुक्रम में किए गए किसी अन्य अपराध या अपराधों के संबंध में ।

[संख्या 228/16/88-ए.वी.डी. (ii)]

जी. सीतारामन, अवर सचिव

MINISTRY OF PERSONNEL, P. G. & PENSIONS

(Department of Personnel & Training)

New Delhi, the 10th October, 1988

ORDER

S.O. 3154.—In exercise of the powers conferred by sub-section (1) of Section 5, read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the Government of State of Kerala hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Kerala for investigation of offences as hereunder :

(a) Offences punishable u/s 302 of Indian Penal Code, 1860, (45 of 1860) in the case relating to the death of Shri T. V. Augustine—crime No. 5|88(S)|SPE| KER dated 26-2-88 registered by Delhi Special Police Establishment, Kerala branch—(crime No. 246|86 dated 30-12-86 registered at Mannuthy Police Station).

(b) Attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction arising out of the same facts.

[No. 228|16|88-AVD.II]

G. SITARAMAN, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 12 अक्तूबर, 1988

आदेश

स्टाम्प

का.आ. 3155.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा विमको लिमिटेड, बम्बई को केवल एक लाख बारह हजार और पांच सौ रुपये के उस समेकित स्टाम्प शुल्क की अदायगी करने की अनुमति प्रदान करती है जो उक्त कम्पनी द्वारा जारी किए जाने वाले प्रत्येक 100 रु. के अंकित मूल्य के 15 प्रतिशत अरक्षित विमोच्य असम्परिवर्तनीय ऋणपत्रों के रूप में उल्लिखित क्रमांक 000001 से 1,50,000 तक के और कुल केवल एक करोड़ पचास लाख रुपये के अंकित मूल्य के ऋणपत्र प्रमाणपत्रों पर स्टाम्प शुल्क के कारण प्रभार्य है।

[सं. 42/88-स्टाम्प फा.सं. 33/60/88-वि.क]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 12th October, 1988

ORDER

STAMS

S.O. 3155.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Wimco Limited, Bombay to pay consolidated stamp duty of rupees one lakh, twelve thousands and five hundreds only, chargeable on account of the stamp duty on Debenture Certificate bearing serial numbers 000001 to 1,50,000 described as 15 percent Secured Redeemable Non-Convertible Debentures of the face value of Rs. 100 each and of the aggregate face value of rupees one crore and fifty lakhs only to be issued by the said company.

[No. 42|88-Stamps-F. No. 33|60|88-ST]

आदेश

स्टाम्प

का.आ. 3156.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा उस शुल्क को माफ करती है जो कर्नाटक राज्य वित्तीय निगम, बंगलौर द्वारा जारी किए जाने वाले मात्र ग्यारह करोड़ रुपए के मूल्य के स्क्रिप संख्या "44" के तथा 11.5 प्रतिशत कर्नाटक राज्य वित्तीय निगम बन्धपत्र 2008" के रूप में उल्लिखित प्रोमिसरी नोटों के स्वरूप में बन्धपत्रों पर उक्त अधिनियम के अन्तर्गत प्रभार्य है।

(संख्या 41/88 स्टाम्प फा.सं. 33/51/88-बिक्री कर)

बी.आर. मेहमी, अवर सचिव

ORDER

STAMPS

S.O. 3156.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory Notes bearing scrip No. "44" and described as 11.5 percent Karnataka State Financial Corporation bonds 2008" of the value of rupees eleven crores only to be issued by Karnataka State Financial Corporation, Bangalore, are chargeable under the said Act.

[No. 41|88-Stamps-F. No. 33|51|88-ST.]

B. R. MEHMI, Under Secy.

आयकर विभाग

कार्यालय आयकर आयुक्त, पश्चिम बंगाल II

कलकत्ता, 20 जून, 1988

[सं. 3/88-89]

का.आ. 3157.—आयकर अधिनियम 1961 (1961 का 43) की धारा 120 की उपधारा (4) और (बी.) द्वारा और भारत सरकार के केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली के अधीन जारी अधिसूचना सं. 7817 दिनांक 30-3-88, फा.सं! 187/5/88-आई.टी. (ए.टी.) आयकर अधिनियम की धारा 120(4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैं आयकर आयुक्त, प.बंगाल-II, कलकत्ता एतद्द्वारा निर्देश देता हूं कि, संलग्न अनुसूची के स्तम्भ (2) में विनिर्दिष्ट उप आयकर आयुक्त, उक्त अनुसूची के स्तम्भ (3) में विनिर्दिष्ट ऐसे क्षेत्रों, या व्यक्तियों या समूहों या ऐसी आय या आय वर्गों या ऐसे मामलों या मामलों के वर्गों के विषय में आयकर अधिनियम, 1961 के अधीन निर्धारण अधिकारी के सभी शक्तियों का प्रयोग करे और कार्य करें।

अनुसूची

क्रम सं.	आयकर प्राधिकारी के पदनाम	ऐसे क्षेत्र, मामलों, व्यक्तियों या जिनके विषय में प्राधिकारी को निर्धारण अधिकारी का कार्य सुपुर्द किया गया
1	2	3
1	उप आयकर आयुक्त, विशेष रेंज– 2, कलकत्ता	अनुसूची के स्तम्भ (2) में वर्णित उप-आयकर आयुक्त को सुपुर्द किए गये और या समय समय पर बोर्ड के द्वारा सुपुर्द किए गए मुख्य आयुक्त और या आयकर आयुक्त
2	उप आयकर आयुक्त, विशेष रेंज-10, कलकत्ता	–वही–
3.	उप आयकर आयुक्त, रेंज-12, कलकत्ता	–वही–

यह आदेश 20-6-88 से लागू होगा।

[सं. प.बं.-II/क्षेत्र/सामान्य/3/88-89/1585-1834]

INCOME TAX DEPARTMENT

OFFICE OF THE COMMISSIONER OF INCOME TAX WEST BENGAL-II, CALCUTTA

Calcutta, the 20th June, 1988

[No. 3/88-89]

S.O. 3157.—In exercise of the powers conferred by clause (b) of sub-section 4 of Section 120 of the Income-tax Act 1961 (43 of 1961) and in exercise of the powers conferred by the authorisation issued by the Central Board of Direct Taxes, New Delhi, Notification No. 7817 dated 30-3-1988 in File No. 187|5|88-IT(AI) u|s. 120(4) of the I.T. Act, I, the Commissioner of Income-tax, West Bengal-II, Calcutta hereby direct that the Deputy Commissioners of Income-tax, specified in Column (2) of the Schedule hereto annexed, shall exercise all powers and perform all the functions of an 'Assessing Officer' under the Income-tax Act, 1961 in respect of the area or persons or classes, or income or classes of incomes, or cases or classes of cases, pecified in Column (3) of the said Schedule.

SCHEDULE

Sl. No.	Designation of the Income-tax Authority	Area, Cases, persons or Income over which the authority is assigned the functions of an 'Assessing Officer'
1	2	3
1.	Deputy Commissioner of Income-tax, Special Range-2, Calcutta,	All those over which the Deputy Commissioner of Income-tax mentioned in Column (2) of the Schedule have been assigned and/or to be assigned by the Board, Chief Commissioner of Income-tax and/or Commissioner of Income-tax, from time to time.
2.	Deputy Commissioner of Income-tax, Special Range-10, Calcutta,	-do-
3.	Deputy Commissioner of Income-tax, Special Range-12, Calcutta. This order shall take effect from 20-6-1988.	-do-

[F. No. W.B-II/Jur/ Gounl/88-89]

(सं 4/88-89)

का.आ. 3158—आयकर अधिनियम 1961 (1961 का 43) की धारा 120 की उपधारा (1) और (2) द्वारा और मुख्य आयकर आयुक्त (प्रशासन) पं.बं., कलकत्ता के अधीन आरी अधिसूचना सं. 11/88-89 दिनांक 16-6-88 फा.सं. सी.सी.(ए)/28/13/88-89 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं, आयकर आयुक्त, पं.बं.-II, कलकत्ता एतद्द्वारा निम्न अनुसूची के स्तम्भ (3) के विनिर्दिष्ट उप आयकर आयुक्त, विशेष रेंज के प्रशासनिक नियंत्रण के अधीन, नीचे लिखित अनुसूची के स्तम्भ (2) में विनिर्दिष्ट निम्न लिखित प्रभारों का सृजन करता हूं।

पदनाम	नये प्रभारों का सृजन	उपआयकर आयुक्त
1	2	3
1. आयकर अधिकारी	विशेष वार्ड 2 (1), कलकत्ता	विशेष रेंज-2, कलकत्ता
2. आयकर अधिकारी	विशेष वार्ड 2 (2), कलकत्ता	विशेष रेंज-2, कलकत्ता
3. —वही—	विशेष वार्ड 12(1), कलकत्ता	विशेष रेंज-12, कलकत्ता
4. —वही—	विशेष वार्ड 12(2), कलकत्ता	विशेष रेंज-12 कलकत्ता
5. वही—	विशेष वार्ड 10(1), कलकत्ता	विशेष रेंज-10 कलकत्ता
6. —वही—	विशेष वार्ड 10(2), कलकत्ता	—वही—

यह आदेश दिनांक 20-6-88 से शुरू होगा।

[सं.पं.बं.-II/क्षेत्र/सामान्य/3/88-89]

[No. 4/88-89]

S.O.—3158 :—In exercise of the powers conferred under Sub-sections (1) and (2) of Section 120 of the Income-tax Act, 1961 (43 of 1961) and in exercise of the powers conferred by the authorisation issued by the Chief Commissioner of Income-tax (Administration) WB, Calcutta by Notification No. 11/88-89 dated the 16th June, 1988 in File No. CC(A)/28/13/88-89, I, the Commissioner of Income-tax, West Bengal-II, Calcutta hereby create the following charges Mentioned in Column 2 in Schedule below under the administrative control of the Deputy Commissioner of Income-tax, Special Range in Column 3 in the Schedule below :—

Designation	New charge created	Deputy Commissioner of Income-tax
1	2	3
1. Income-tax Officer,	Special Ward 2(1), Calcutta.	Special Range 2, Calcutta.
2. -do-	Special Ward 2(2), Calcutta.	-do-
3. -do-	Special Ward 12(1), Calcutta.	Special Range 12 , Calcutta.
4. -do-	Special Ward 12(2), Calcutta.	-do-
5. -do-	Special Ward 10(1), Calcutta.	Special Range 10, Calcutta.
6. -do-	Special Ward 10(2), Calcutta.	-do-

This Order shall be effective on and from 20-6-1988.

[F. No. WB-II/Jur/Genl/3/88-89]

कलकत्ता, 21 जून, 1988

(सं. 5/88-89)

का.आ. 3159.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 120 की उपधारा (1) और (2) द्वारा और मुख्य आयकर आयुक्त (प्रशा.), प.बं., कलकत्ता के अधीन जारी अधिसूचना सं. 11/88-89 दिनांक 16-6-88 फा.सं. सी.सी. (ए)/22/13/88-89 और इसके आगे अधिसूचना सं. 1/88-89 दिनांक 1-4-88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैं, आयकर आयुक्त, प.बं.-II, कलकत्ता एतद्द्वारा निदेश देता हूं कि संलग्न अनुसूची के स्तम्भ (3) में वर्णित उप आयकर आयुक्त, रेंज-7 के अधीन वर्तमान वार्डों के पदनाम दिनांक 27-6-88 से बदल कर उक्त अनुसूची के स्तम्भ 2 में तद्नुरूपी प्रविष्टि के अनुसार नये पदनाम हो जायेंगी ।

अनुसूची

निर्धारक अधिकारी	नये पदनाम	पुराने पदनाम
1	2	3
सहायक आयकर आयुक्त	कम्पनी सर्किल 7(1), कलकत्ता	ए वार्ड और एम वार्ड कम. जिला-2, कलकत्ता
—वही—	कम्पनी सर्किल 7(2) कलकत्ता	डी वार्ड, ई वार्ड और एफ वार्ड, कम. जिला-2 कलकत्ता
—वही—	कम्पनी सर्किल 7(3) कलकत्ता	सी वार्ड एच वार्ड, कम. जिला-2, कलकत्ता
—वही—	कम्पनी सर्किल 7(4) कलकत्ता	एल वार्ड, एन वार्ड और ओ वार्ड, कम जिला-2, कलकत्ता
—वही—	जांच सर्किल 7(1) कलकत्ता	क्यू वार्ड, कम. जिला-2 कलकत्ता
आयकर अधिकारी	कम वार्ड 7(1)	आई वार्ड, कम. जिला-2 कलकत्ता
—वही—	कम वार्ड 7(2) कलकत्ता	बी वार्ड और पी वार्ड कम जिला-2, कलकत्ता

[सं. 2111-2360/सी.टी. प.बं. II/क्षेत्र/सामान्य/88-89]

जी.एल. संगलाईन, आयकर आयुक्त

Caclutta, the 21st June, 1988.

(No. 5/88-89)

S.O. 3159.—In exercite of the powers conferred by Sub-section (1) and (2) of Section 120 of the Income-tax Act, 1961 (43 of 1961) and in exercise of the powers conferred by the authorisation issued by the Chief Commissioner of Income-tax (Administration), WB, Calcutta by Notification No. 11/88-89 dated the 16th June 1988 in File No. CC(A)/28/13/88-89 and in continuation of this office Notification No. 1/88-89 dated the 1st April, 1988, the Commissioner of Income-tax, West Bengal-II, Calcutta, hereby direct that the existing wards under the charge of the Deputy Commissioner of Income-tax, Range-7, Calcutta, specified in Column (3) of the Schedule appended shall be re-named as specified in Column (2) of the Schedule with effect from the 27th day of June, 1988.

SCHEDULE

Assessing Officer	New Designation	Old Designation
1.	2.	3.
Assistt. Commissioner of Income-tax,	Companies Circle 7(1), Calcutta.	A Ward & M Ward, Companies District II, Calcutta.
-do-	Companies Circle 7(2), Calcutta.	D Ward, E Ward & F Ward Companies District II, Calcutta.
-do-	Companies Circle 7(3), Calcutta.	C Ward & H Ward, Companies District II Calcutta.
-do-	Companies Circle 7(4), Calcutta.	L Ward, N Ward & O Ward, Companies District II Calcutta.
-do-	Investigation Circle 7(1), Calcutta.	Q Ward, Companies District II, Calcutta.
Income-tax Officer.	Companies Ward 7(1), Calcutta.	I Ward, Companies District II, Calcutta.
-do-	Companies Ward 7(2), Calcutta.	B Ward & P Ward, Companies District II, Calcutta.

[F. No. WB-II/Jur/Genl/3/88-89]

G.L. SANGLYINE, Commisstioner of Income-tax

कार्यालयआयकर आयुक्त

कलकत्ता, 29 अगस्त, 1988

(सं. 6/88-89)

का.आ. 3160.—आयकर अधिनियम 1961 की धारा 120 की उपधारा (1), (2) और (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और इस दिशा में क्षमता प्रदान करने वाली अन्य शक्तियों का प्रयोग करते हुए और इस संबंध में वर्तमान के सभी आदेशों को अतिक्रमण करके मैं, आयकर आयुक्त पश्चिम बंगाल-II कलकत्ता एतद्द्वारा—

(क) निदेश देता हूं कि निम्नसूची में वर्णित निर्धारण अधिकारी ऐसे सभी क्षेत्रों या ऐसे सभी व्यक्तियों या व्यक्ति समूहों या ऐसे सभी आय या वर्गों या ऐसे सभी मामलों या मामलों के वर्गों के विषय में शक्तियों का प्रयोग करेंगे एवं साथ साथ मिलकर काम करेंगे ।

(ख) निदेश देता हूं कि उनमें निम्न श्रेणी वाले प्राधिकारी, अपने से उच्चतर श्रेणी के प्राधिकारियों के विशेष या सामान्य लिखित आदेशों के अनुसार, शक्तियों का प्रयोग करेंगे और कार्य करेंगे

अनुसूची-I

(i) उप आयकर आयुक्त, विशेष रेंज-2, कलकत्ता

(ii) आयकर अधिकारी विशेष वार्ड-3(1) कलकत्ता

(iii) आयकर अधिकारी, विशेष वार्ड 2(2) कलकत्ता

अनुसूची-II

(i) उप आयकर आयुक्त विशेष रेंज-10, कलकत्ता

(ii) आयकर अधिकारी, विशेष वार्ड 10(1), कलकत्ता

(iii) आयकर अधिकारी, विशेष वार्ड 10(2), कलकत्ता

अनुसूची-III

(i) उप आयकर आयुक्त विशेष रेंज-12, कलकत्ता

(ii) आयकर अधिकारी, विशेष वार्ड 12(1), कलकत्ता

(iii) आयकर अधिकारी, विशेष वार्ड-12(2), कलकत्ता

यह अधिसूचना दिनांक 30-8-88 से लागू होगी ।

[सं. ई./3141-3640/सी.टी.प.ब./क्षेत्रा/सामान्य-3/88-89]
डी.के. गुप्ता, आयकर आयुक्त

OFFICE OF THE COMMISSIONER OF INCOME TAX

Calcutta, the 29th August, 1988

[No. 6/88-89]

S.O. 3160.—In exercise of the powers conferred on me under Sub-section (1), (2) & (5) of section 120 of the I.T. Act, 1961 and all other powers enabling me in this behalf and in supersession of all the existing orders in this regard I, the Commissioner of Income-tax, West Bengal-II, Calcutta, hereby—

(a) direct that the Assessing Officers specified in the Schedules below shall exercise the powers and perform the functions concurrently, in respect of all areas or persons or classes of persons or incomes or classes of incomes or cases or classes of cases over which these Assessing Officers exercise or will exercise jurisdiction.

and

(b) direct that the Authority lower in rank amongst them shall exercise such powers and perform such functions as the higher Authority amongst them may direct in writing by a special or general order.

SCHEDULE-I

(i) The Deputy Commissioner of Income-tax, Spl. Range-2, Calcutta.

(ii) The Income Tax Officer, Special Ward-2(1), Calcutta.

(iii) The Income Tax Officer, Special Ward-2(2), Calcutta.

SCHEDULE-II

(i) The Deputy Commissioner of Income-tax, Special Range-10, Calcutta.

(ii) The Income-tax Officer, Special Ward-10(1), Calcutta.

(iii) The Income Tax Officer, Special Ward-10(2), Calcutta.

SCHEDULE-III

(i) The Deputy Commissioner of Income-tax, Special Range-12, Calcutta.

(ii) The Income-tax Officer, Special Ward-12(1), Calcutta.

(iii) The Income-tax Officer, Special Ward 12(2), Calcutta.

2. This notification shall take effect from 30th August, 1988.

[No. WB-II/JUR/GENL/3/88-89/3141-3640]
D. K. GUPTA, Commissioner of Income-tax.

(आर्थिक कार्य विभाग)

नई दिल्ली, 4 अक्तूबर, 1988

का.आ. 3161.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप नियम (4) के अनुसरण में वित्त मंत्रालय (आर्थिक कार्य विभाग) के प्रशासनिक नियंत्रण में स्थित भारतीय जीवन बीमा निगम के निम्नलिखित कार्यालय को, जिनके कर्मचारिवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

भारतीय जीवन बीमा निगम,
केन्द्रीय कार्यालय, बम्बई ।

[सं. 13011/7/88-हि.का.क.]
कृष्ण गोपाल गोयल, निदेशक (प्र.)

(Department of Economic Affairs)

New Delhi, the 4th October, 1988

S.O. 3161.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (use for Official Purposes of the Union) Rules, 1976 the Central Government hereby notifies the following office of the Life Insurance Corporation of India (under the Administrative control of the Ministry of Finance, Department of Economic Affairs) the staff whereof have acquired working konwledge of Hindi :—

Life Insurance Corporation of India,
Central Office, Bombay.

[No. F. 13011/7/88-HIC]
K. G. GOEL, Director (Admn.)

वाणिज्य मंत्रालय

नई दिल्ली, 22 अक्तूबर, 1988

का. आ. 3162 केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमशीतित मछली और मछली उत्पादों का निर्यात, (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1987 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात :—

1. (1) इन नियमों का संक्षिप्त नाम हिमशीतित मछली और मछली उत्पादों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1988 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. हिमशीतित मछली और मछली उत्पादों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1987 में नियम 10 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात :—

"10. निरीक्षण फीस :— प्रत्येक परेषण के लिए न्यूनतम 30 रु. के अधीन रहते हुए, निर्यातकर्ता, अभिकरण को निम्नलिखित दर पर निरीक्षण फीस के रूप में फीस का संदाय करेंगे, अर्थात :—

मद	परेषणानुसार निरीक्षण के लिए (प्रक्रिया के दौरान क्वालिटी नियंत्रण प्रणाली के अधीन अनुमोदित यूनिटों से भिन्न)		प्रक्रिया के दौरान क्वालिटी नियंत्रण प्रणाली के अधीन किए गए निरीक्षण के लिए	
	(प्रति कि. ग्रा. या उसके भाग के लिए पैसे)		(प्रति कि. ग्रा. या उसके भाग के लिए पैसे)	
हिमशीतित झींगा (सभी प्रकार के)	इकतीस	(31)	सोलह	(16)
हिमशीतित समुद्री झींगा (सभी प्रकार के)	तिरपन	(53)	सत्ताइस	(27)
हिमशीतित कटल मछली	दस	(10)	पांच	(5)
हिमशीतित स्क्विड्स	दस	(10)	पांच	(5)
हिमशीतित प्रामफिट और अन्य हिमशीतित मछली	दस	(10)	पांच	(5)

[फाईल सं. 2(1)/85 - ई आई एंड ई पी]

टिप्पण : मूल नियम का. आ. 1153 (क) तारीख 9-4-1988 द्वारा प्रकाशित हुए थे।

MINISTRY OF COMMERCE

New Delhi, the 22nd October, 1988

S.O. 3162.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Frozen Fish and Fishery Products (Quality Control and Inspection) Rules, 1987, namely :—

1. (1) These rules may be called the Export of Frozen, Fish and Fishery Products (Quality Control and Inspection) Amendment Rules, 1988;

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export of Frozen Fish and Fishery Products (Quality Control and Inspection) Rules, 1987, for rule 10, the following rule shall be substituted, namely :—

"10. Inspection fee :—subject to a minimum of Rs. 30/- for each consignment, a fee at the following rates shall be paid by the exporters to the agency as inspection, fee, namely

Item	For consignmentwise inspection (other than units approved under inprocess quality control system)	For inspection carried out under inprocess quality control system
	(paise per kg. or part thereof)	(paise per Kg. or part thereof)
Frozen Shrimps (All types)	Thirty one	Sixteen
Frozen Lobsters (All types)	Fifty three	Twenty seven
Frozen Cuttlefish	Ten	Five
Frozen Squids	Ten	Five
Frozen Pomfrets and other frozen fish	Ten	Five

[F. No. 2(1)/85-EI&EP]

Note : The principal rules were published vide S.O. 1153(a) dated 9-4-1988.

का.आ. 3163:—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, डिब्बा बंद मछली और मछली उत्पादों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1983 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात:—

1. (1) इन नियमों का संक्षिप्त नाम डिब्बा बंद मछली और मछली उत्पादों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1988 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. डिब्बा बंद मछली और मछली उत्पादों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1983 में नियम 8 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात्:—

"8. निरीक्षण फीस:—निर्यातकर्ता, अधिकरण को निरीक्षण फीस के रूप में निम्नलिखित दर पर फीस का संदाय करेगा—

(1) जब निरीक्षण नियम 5(क) और (ग) के आधार पर किया जाता है तो प्रति कि.ग्रा. या उसके भाग के लिए दस पैसे, और

(2) जब निरीक्षण नियम 5(ख) के आधार पर किया जाता है तो प्रति कि.ग्रा. या उसके भाग के लिए बीस पैसे।

[फाइल सं. 2(1)/85-ई आई एण्ड ई पी]

एन. एस. हरिहरन, निदेशक

टिप्पण:—मूल अधिसूचना का.आ. 863 तारीख 12-2-1983 द्वारा प्रकाशित की गई थी और उसका निम्नलिखित द्वारा संशोधन किया गया :—

1985 का का.आ. 763(अ), 1986 का का.आ. 700(ई) 1987 का का.आ. 877(अ)।

S.O. 3163.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Canned Fish and Fishery Products (Quality Control and Inspection) Rules, 1983, namely :—

1. (1) These rules may be called the Export of Canned Fish and Fishery Products (Quality Control and Inspection) Amendment Rules, 1988;

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export of Canned Fish and Fishery Products Quality Control and Inspection) Rules, 1983 for Rules, 8 the following rule shall be substituted, namely :—

"8. Inspection fee—at the rate of—

(i) Ten paise per Kg. or part thereof when the inspection is carried out on the basis of rule 5 (a) and (c) ; and

(ii) Twenty paise per Kg. or part thereof when the inspection is carried out on the basis of rule 5(b), shall be paid by the exporter to the agency as inspection fee".

[F. No. 2(1)/85-EI & EP]

N. S. HARIHARAN, Director.

Note :—The principal notification was published vide S. O. 863, dated 12-2-1983 and amended by S. O. 763 (E), of 1985, S. O. 700 (E), of 1986 and S. O. 877 (E), of 1987.

संयुक्त मुख्य नियंत्रक आयात निर्यात का कार्यालय

(केन्द्रीय लाइसेंसिंग क्षेत्र)

नई दिल्ली, 5 अक्तूबर, 1988

निरसन आदेश

का.आ. 3164.—मेसर्स एम.सी. इंजीनियरिंग कम्पनी प्रा.लि., 220, ओखला इन्डस्ट्रियल एस्टेट, नई दिल्ली को आयात निर्यात नीति 1985-88 के परिशिष्ट 3-ए के क्रम सं. 489(1) के अन्तर्गत आने वाले ब्रास ट्यूब/पाइपों के लिए 13,31,000 रुपये का आयात लाइसेंस सं.पी./एम/1979084 दिनांक 29-7-87 प्रदान किया गया था।

आवेदक ने सूचित किया है कि ए.एम-87 की अवधि के लिए जारी 13,31,000 रुपये के लाइसेंस सं. पी/एम/1979084 दिनांक 29-8-87 की सीमाशुल्क प्रयोजन प्रति की सहायक सीमाशुल्क समाहर्ता, लाइसेंस अनुभाग न्यू कस्टम हाउस बम्बई के पास पंजीकृत करने तथा 2,90,192 रुपये की राशि को छोड़ते हुए अंशत: प्रयोग किए जाने के पश्चात खो गई है/अस्थानस्थ हो गई है।

मैं संतुष्ट हूं कि लाइसेंस की सीमाशुल्क प्रयोजन प्रति खो गई है/अस्थानस्थ हो गई है।

यथासंशोधित दिनांक 7-12-55 के आयात व्यापार नियंत्रण आदेश, 1955 की उपधारा 9(डी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुए एतद्द्वारा मैं 13,31,000 रुपये के लाइसेंस सं. पी/एम/1979084 दिनांक 29-7-87 की सीमाशुल्क प्रयोजन प्रति को रद्द करता हूं। उक्त आयात लाइसेंस की दूसरी प्रति प्रदान करने के लिए आवेदक फर्म के अनुरोध पर अब विचार किया जायेगा।

[फा.सं.-दिल्ली/सप्लीमेंट्री/109/ए एम-87/एयू-I/सी.एल.ए.]

एम.आर. जौहर, उप मुख्य नियंत्रक, आयात निर्यात

कृते संयुक्त मुख्य नियंत्रक आयात निर्यात

OFFICE OF THE JOINT CHIEF CONTROLLER OF IMPORTS AND EXPORTS

(CENTRAL LICENSING AREA)

New Delhi, the 5th October, 1988

CANCELLATION ORDER

S.O. 3164.—M/s. M. C. Engineering Co. Pvt. Ltd., 220, Okhla Indl. Estate, New Delhi were granted Import Licence No. P/S/1979084 dated 29-7-87 for Rs. 13,31,000 for Brass Tubes/Pipes falling under S. No. 489(1) of Appx. 3-A of Import Policy 1985—88.

The applicant has reported that Custom Purpose copy of the Import Licence No. P/S/1979084 dated 29-7-87 for Rs. 13,31,000 issued for the period of AM. 87 has been lost/misplaced after having been registered with the Asstt. Collector of Customs, Licence Section, New Custom House, Bombay and utilised partly leaving a balance of Rs. 2,90,192.

I am satisfied that the Custom Purpose copy of the licence has been lost/misplaced.

In exercise of the power conferred on me under Sub-Clause 9(d) of the Import Trade Control Order, 1955 dated 7-12-55 as amended upto date, Custom Purpose copy of the licence No. P/S/1979084 dated 29-7-87 for Rs. 13,31,000 is hereby cancelled. The applicant firm's request shall now be considered for grant of duplicate copy of the said Import Licence.

[No. Delhi/Suppl./109/AM 87/AU.I/CLA]

S. R. JOHAR, Dy. Chief Controller of Imports & Exports for Jt. Chief Controller of Imports & Exports

मुख्य नियंत्रक, आयात निर्यात का कार्यालय

नई दिल्ली, 11 अक्तूबर, 1988

आदेश

का. आ. 3165.—मै. हाईब्रिड इलैक्ट्रानिक सिस्टम प्राइवेट लिमिटेड, बम्बई को जी.सी.ए. के अन्तर्गत (1) ट्रांजिस्टर—10,000 नग (2) थाईरिस्टर 10,000 नग (3) टेक्टिफायर 10,000 नग (4) इलैक्ट्रोलिटिक कैपेसिटर्स 60,000 नग (5) रेकराइटकोर 10,000 नग और अतिरिक्त मद मिनी डिकूलिंग 5000 नगों के आयात के लिए 10,22,500 रुपये (दस लाख बाईस हजार पांच सौ रुपये मात्र) के लिए आयात लाइसेंस सं. पी./एस/1984671 तारीख 23-2-87 दिया गया था।

2. फर्म ने उपरोक्त आयात लाइसेंस की अनुलिपि प्रति इस आधार पर जारी करने के लिए आवेदन किया है कि मूल आयात लाइसेंस खो या अस्थानस्थ हो गया है। आगे यह भी उल्लेख किया गया है कि आयात लाइसेंस को बम्बई सीमाशुल्क प्राधिकारी के पास पंजीकृत कराया गया था और इसलिए 2,77,384 रुपये के लिए सीमाशुल्क प्रयोजन प्रति के मूल्य का और 1,58,699 रुपये के लिए मुद्रा विनिमय प्रति का उपयोग किया गया है।

3. अपने तर्क के समर्थन में लाइसेंसधारी ने नोटरी पब्लिक, ग्रेटर बम्बई के सामने विधिवत शपथ लेकर एक शपथ पत्र दाखिल किया है। तदनुसार मैं सन्तुष्ट हूं कि आयात लाइसेंस सं. पी./एस./1984671, तारीख 23-2-87 की दोनों मूल प्रतियां फर्म से खो गई हैं। समय-समय पर यथा संशोधित 7-12-85 के आयात (नियंत्रण) आदेश 1955 की उपधारा 9 (गग) में निहित शक्तियों का उपयोग करते हुए मैसर्स हाईब्रिड इलैक्ट्रानिक्स सिस्टम प्राइवेट लिमिटेड, बम्बई को जारी किए गए मूल आयात लाइसेंस सं. पी./एस. 1984671 तारीख 23-2-77 को एतद्द्वारा रद्द किया जाता है।

4. उक्त लाइसेंस की दोनों अनुलिपि प्रतियां पार्टी को अलग से जारी की जा रही हैं।

[सं. सप्लाई/एन एस. 18/एस एस आई/एम एम-87/एस. एस. एस.]

से. कुजूर, उप मुख्य नियंत्रक, आयात-निर्यात
कृते मुख्य नियंत्रक, आयात निर्यात

OFFICE OF THE CHIEF CONTROLLER OF IMPORTS AND EXPORTS

New Delhi, the 11th October, 1988

ORDER

S.O. 3165.—M/s. Hybrid Electronic System Pvt. Ltd., Bombay were granted an import licence No. P/S/1984671, dated 23-2-1987 for Rs. 10,22,500/- (Rupees Ten lakhs Twenty two thousand and Five hundred only) for import of (1) Transistors—10,000 Nos (2) Thyristors—10,000 Nos. (3) Tectifiers —10,000 Nos. (4) Electrolytic capacitors—60,000 Nos. (5) Recrite core—10,000 Nos. and Addl. Item Mini Decooling four—5000 Nos. under GCA.

2. The firm has applied for issue of Duplicate copy of Import Licence of the above mentioned licence on the ground that the original Import Licence has been lost or misplaced. It has further been stated that the Imoprt Licence registered with Bombay Customs Authority and as such the value of Customs Purpose copy has been utilised for Rs. 2,77,384/- and Exchange copy has been utilised for Rs. 1,58,699/-.

3. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public, Greater Bombay. I am accordingly satisfied that the both original copies of import licence No. P/S/198467, dated 23-2-1987 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9 (cc) of the Import (Control) Order, 1955 dated 7-12-1985 as amended the said original import licence No. P/S/1984671 dated 23-2-1987 issued to M/s. Hybrid Electronic Systems Pvt. Ltd., Bombay is hereby cancelled.

4. Both duplicate copies of the said licence are being issued to the party separately.

[No. Suppl./NS-18/SSI/AM-87/SLS]

S. KUJUR, Dy. Chief Controller of Imports and Exports for Chief Controller of Imports & Exports.

पैट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 4 अक्तूबर, 1988

शुद्धिपत्र

का.आ. 3166.—भारत सरकार के राजपत्र भाग-2, खंड 3, उपखंड (ii) दिनांक 4-10-1986 का.आ. संख्या ओ-12016/11/83, प्रोड. की अधिसूचना संख्या 3425 दिनांक 4-10-1986 पृष्ठ क्रमांक 3984 और 3985 पर प्रकाशित हुई अनुसूची के भाग 1, कालम-2 में नीचे वर्णित किया हुआ बदलो किया जाता है।

गांव-खंडाला

के लिए				पढ़ें			
खसरा नंबर	हिस्सा नंबर	सी.टी.एस. नंबर	क्षेत्रफल	खसरा नंबर	हिस्सा नंबर	सी.टी.एस. नंबर	क्षेत्रफल
19	अ/2	598-ब	00-05-62	19/अ	3 और 5	598-अ	00-05-62
19	अ/5	598-अ	80-01-80	19/अ	3 और 5	598-अ	00-01-80
19	ब/2	597	00-13-09	19/ब	2-अ	597	00-04-50
	अ			19/ब	2-ब	—	00-08-59
210	—	263	00-01-46	210	—	623	00-01-46

[सं. ओ-12016/11/83-प्रो]

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the4 th October, 1988

ERRATUM

S.O. 3166.—For the words and figures appearing in column II of the Notification issued under Government of India's Notification No. O-12016/11/83- Prod under S.O. No. 3425 published in the Government of India Gazette Part-II Section 3 Sub-section (ii) at pages 3985 and 3986 dated 4-10-86 read.

Village :—Khandala

For				Read			
S. No.	H. No.	CTS No.	Area	S. No.	H. No.	CTS No.	Area
1	2	3	4	5	6	7	8
19	A/2	598 B	00-05-62	19/A	3 & 5	598 A	00-05-62
19	A/5	598.A	80-01-80	19/A	3 & 5	598 A	00-01-80
19	B/2	597	00-13-09	19/B	2 A	597	00-04-50
	A						
				19/B	2 B	—	00-08-59
210	—	263	00-01-46	210	—	623	00-01 46

शुद्धि पत्र [No. O-12016/11/83-Prod]

का.आ. 3 167.—भारत सरकार के राजपत्र भाग 2, खंड 3 उपखंड (ii) दिनांक 4-10-86 का.आ.संख्या ओ-12016/11/83-प्रोड. की अधिसूचना संख्या 3426 दिनांक 4-10-1986 पृष्ठ क्रमांक 3987 और 3988 पर, प्रकाशित हुई अनुसूची के भाग 1 कालम 2 में नीचे वर्णित किया हुआ शुद्धि किया जाता है ।

गांव-खंडाला

के लिये				पढ़ें			
खसरा नंबर	हिस्सा नंबर	सी.टी.एस. नंबर	क्षेत्रफल	खसरा नंबर	हिस्सा नंबर	सी.टी.एस. नंबर	क्षेत्रफल
19	अ/2	598 ब	00-05-62	19/अ	3 और 5	598-अ	00-05-62
19	अ/5	598 अ	80-01-80	19/अ	3 और 5	598-अ	00-01-80
19	ब-2	597	00-13-09	19/ब	2अ	597	00-04-50
	अ			19/ब	2 ब	—	00-08-59
210	—	263	00-01-46	210	—	623	00-01-46

[सं. ओ-12016/11/83-प्रोड. (1)]

ERRATUM

S.O. 3167.—For the words and figures appearing in column-II of the Notification issued under Government of India's Notification No. O 12016/11/83 Prod. under S.O. No. 3426 published in the Government of India Gazette, Part II, Section 3, Sub-section (ii) at pages 3988 and 3989 dated 4-10-86 read :

Village :— Khandala

For				Read			
S. No.	H. No.	CTS No.	Area	S. No.	H. No.	CTS No.	Area
1	2	3	4	5	6	7	8
19	A/2	598.B	00-05-62	19/A	3 & 5	598 A	00-05-62
19	A/5	598.A	08-01-80	19/A	3 & 5	598 A	00-01-80
19	B-2	597	00-13-09	19/B	2 A	597	00-04-50
	A						
				19/B	2 B	—	00-08-59
210	—	263	00-01-46	210	—	623	00-01-46

[No. O-12016/11/83-Prod. (i)]

शुद्धि-पत्र

का.आ. 3168—भारत सरकार के राजपत्र के भाग 2, खंड 3, उपखंड (ii) पृष्ठ क्रमांक 3654, 3655 का.आ. संख्या 0-12016/57/83-प्रोड. के अन्तर्गत भारत सरकार, पेट्रोलियम और प्राकृतिक गैस मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना संख्या 3208 दिनांक 20-9-1986 के अन्तर्गत पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 3 उपधारा (1) के अधीन वर्णित गांव वाघोली तहसील हवेली जिला पूना महाराष्ट्र के अन्तर्गत अधिसूचना में वर्णित भूमि में खसरा नम्बर, हिस्सा नम्बर, क्षेत्रफल कालम 1 के बदले अनुसूची में खसरा नंबर, हिस्सा नम्बर, क्षेत्रफल कालम 2 में दी गई अनुसूची को पढ़ें।

निम्नलिखित अनुसूची के भाग 2 में वर्णित भूमि में पाईप लाइन बिछाने का प्रयोजन अलाईमेंट बदलने से अब न रहा है, अब अतः निम्नलिखित अनुसूची के भाग 2 में वर्णित भूमि, धारा 3क के उपधारा (1) अधिसूचना में यथा उल्लिखित से कम कर दी गई है :

अनुसूची भाग 1

कालम पढ़ें				कालम के लिये			
गांव	खसरा नम्बर	हिस्सा नम्बर	क्षेत्रफल	गांव	खसरा नम्बर	हिस्सा नम्बर	क्षेत्रफल
1	2	3	4	5	6	7	8
वाघोली	2062	—	00-25-02	वाघोली	2062	—	00-24-00
,,	2063	—	00-28-80	,,	2063	—	00-40-00
,,	2069	—	00-10-18	,,	2069	—	00-20-00
,,	2225	—		,,	2225		00-27-00
,,	2074	—	00-05-40	,,	2074	—	00-06-00
,,	2075	—	00-12-24	,,	2075	—	00-11-00
,,	2076	—	00-22-40	,,	2076	—	00-11-00
,,	2060	—	00-34-20	,,	2060	—	00-11-00
,,	2076	—					
,,	2077	—	00-07-38	,,	2077	—	00-33-00
,,	2062	—					
,,	2078	—	00-32-40	,,	2078	—	00-33-00
,,	2089	—	00-16-56	,,	2089	—	00-09-00
,,	2222	—	00-02-75	,,	2222	—	00-21-00
,,	2223	—	00-16-92	,,	2223	—	00-18-00
,,	2226			,,	2226	—	00-18-00
,,	2230	—	00-18-00	,,	2230	—	00-04-00
,,	2074						
,,	2272	—	00-32-40	,,	2272	—	00-76-00
,,	2274	—	00-32-40	,,	2274	—	00-38-00
,,	2275	—	00-14-04	,,	2275	—	00-25-00
,,	2328	—	00-14-40	,,	2328	—	00-33-00
,,	2329	6/2	00-28-80	,,	2329	—	00-76-00
,,	2333	—	00-24-40	,,	2333	—	00-47-00
,,	2335	—	00-69-16	,,	2335	—	00-34-00
,,	2229	—	00-04-40	,,	2229	—	00-09-00

भाग 2

गांव	खसरा नम्बर	हिस्सा नम्बर	क्षेत्रफल
वाघोली	2070	—	00-01-00
,,	2272	—	00-27-00
,,	2273	—	00-61-00
,,	2307	—	00-67-00

[सं. ओ. 12016/57/83-प्रोड]

CORRIGENDUM

S.O. 3168.—In the Notification of Government of India, Ministry of Petroleum and Natural Gas No .O-12016/57/83 Prod. dated 20-9-1986, published under S.O. No. 3208 in the Gazette of India, Part-II, Section 3, Sub-Section (ii) at pages 3654 and 3655 and issued under section 3(i) of the Petroleum and Minerals Pipe Line (Acquisition of Right of User in Lad) Act, 1962 in respect of village Wagholi, Tehsil Haveli, District Pune, Maharashtra, for G Nos. and areas shown in Column No. 1 of the Schedule appended to this Corrigendum, please read the G. Nos. and areas shown in Column No. 2 of the said Schedule.

Lands mentioned in Part—II of the appended schedule however, do not come under the Pipeline Project and therefore, they are deleted from the Schedule appended to the Notification under section 3 Sub-Section (i) referred to above.

SCHEDULE

PART-I

Read (Col. No. 2)				For (Col. No. 1)			
Village	G. No.	Hissa No.	Area H.A.C.	Village	G. No.	Hissa No	Area H.A.C.
1	–	3	4	5	6	7	8
Wagholi	2062	-	00-25-07	Wagholi	2062	—	00-24-00
,,	2063	—	00-28-80	,,	2063	-	00-40-00
	2067				2069	—	00-20-00
,,	2225		00-10-18	,,	2225		00-27-00
,,	2074		00-05-40	,,	2074	--	00-06-00
,,	2075	--	00-12-24	,,	2075	-	00-11-00
,,	2076	--	00-22-40	,,	2076	--	00-11-00
,,	2060			,,	2060	-	00-11-00
	2076	--	00-34-20				
,,				,,		-	
,,				,,		--	,,
,,	2077	—	00-07-38	,,	2077	--	00-33-00
	2062						
,,	2078	-	00-32-40	,,	2078	--	0-33-00
	2089	--	00-16-56	,,	2089	-	00-09-00
	2222	---	00-02-75	,,	2222	--	00-21-00
	2223	—	00-16-92	,,	2223	--	00-18-00
	2226				2226	—	00-18-00
	2230	--	00-10-80	,,	2230	---	00-04-00
			00-07-20				
,,	2074		00-18-00	,,			
,,	2272	—	00-32-40	,,	2272	-	00-76-00
	2274	-	00-32-40	,,	2274	---	00-38-00
	2275	—	00-14-04	,,	2275	—	00-25-00
,,	2328	---	00-14-00	,,	2328	—	00-33-00
	2329	A-2	00-28-80	,,	2329	—	00-76-00
	2333	—	00-14-40	,,	2333	—	00-47-00
	2335	—	00-69-16	,,	2335	—	00-34-00
	2229	—	00-04-40	,,	2229	--	00-09-00

PART-II

Village	S. No. G. No.	Hissa No.	Area
1	2	3	4
Wagholi	2070	—	00-01-00
	2272	-	00-27-00
	2273	—	00-61-00
	2307	—	00-67-00

[No. O-12016/57/83-Prod.]

शुद्धिपत्र

का.आ. 2169.—भारत सरकार के राजपत्र भाग II खंड 3 उपखंड (ii) दिनांक 15-11-1986 पृष्ठ क्रमांक 4549, 4550 का.आ. संख्या 0-12016 57/83 प्रोड. के अन्तर्गत भारत सरकार पेट्रोलियम और प्राकृतिक गैस मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना संख्या 3868 दिनांक 15-11-1986 के अन्तर्गत पेट्रोलियम और खनिज पाईप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 की धारा 6 उपधारा (i) के अधीन वर्णित गांव वाघोली तहसील हवेली, जिला पूना महाराष्ट्र के अन्तर्गत अधिसूचना में वर्णित भूमि में खसरा नम्बर, हिस्सा नम्बर, क्षेत्रफल के बदले अनुसूची 1 में खसरा नम्बर, हिस्सा नम्बर, क्षेत्रफल कालम 2 में दी गई अनुसूची को पढ़ें।

निम्नलिखित अनुसूची के भाग 2 में वर्णित भूमि में पाईप लाइन बिछाने का प्रायोजन अलाइनमेंट बदलने से अब न रहा है। अब अतः निम्नलिखित अनुसूची के भाग 2 में वर्णित भूमि धारा 6 के उपधारा (1) की अधिसूचना की अनुसूची में यथा उल्लिखित से कम कर दी गई है।

कालम 2 पढ़ें				कालम 1 के लिये			
गांव	खसरा नम्बर	हिस्सा नम्बर	क्षेत्रफल	गांव	खसरा नम्बर	हिस्सा नम्बर	क्षेत्रफल
1	2	3	4	5	6	7	8
वाघोली	2062	--	00-25-02	वाघोली	2062	—	00-24-00
,,	2063	---	00-28-80	,,	2063	-	00-40-00
,,	2069	--	00-10-18	,,	2069	--	00-20-00
,,	2225			,,	2225		00-27-00

1	2	3	4	5	6	7	8
,,	2074	—	00-05-40	,,	2074	—	00-06-00
,,	2075	—	00-12-24	,,	2075	—	00-11-00
,,	2076	—	00-22-40	,,	2076	—	00-11-00
,,	2060 2076	—	00-34-20	,,	2060	—	00-11-00
,,	2077 2062	— —	00-07-38	,,	2077	—	00-33-00
				,,	—	—	—
,,	2078	—	00-32-40	,,	2078	—	00-33-00
,,	2089	—	00-16-56	,,	2089	—	00-09-00
,,	2222	—	00-02-75	,,	2222	—	00-21-00
,,	2223	—	00-16-92	,,	2223	—	00-18-00
,,	2226 2230 2074	—	00-18-00	,,	2226 2230	— —	00-18-00 00-04-00
,,	2072	—	00-32-40	,,	2272	—	00-76-00
,,	2274	—	00-32-40	,,	2274	—	00-38-00
,,	2275	—	00-14-04	,,	2275	—	00-25-00
,,	2328	—	00-14-40	,,	2328	—	00-33-00
,,	2329	ए/2	00-28-80	,,	2329	—	00-76-00
,,	2333	—	00-24-40	,,	2333	—	00-47-00
,,	2325	—	00-69-16	,,	2335	—	00-34-00
,,	2229	—	00-04-40	,,	2229	—	00-09-00

भाग II

गांव	खसरा नम्बर	हिस्सा नम्बर	क्षेत्रफल
वाघोली	2070	—	00-01-00
,,	2272	—	00-27-00
,,	2273	—	00-61-00
,,	2307	—	00-67-00

[सं. ओ. 12016/57/83-प्रोड.]
सी.एल. गिरोत्रा अवर सचिव
जी.एस. पार्दे, सक्षम प्राधिकारी,
बंबई-पूना पाईप लाईन्स प्राजेक्ट

CORRIGENDUM

S.O. 3169.—In the Notification of Government of India Ministry of Petroleum and Natural Gas No. O-12(6|57|83 Prod. dated, 15-11-1986 published under S.O. No 3868 in Gazette of India, Part II, Section 3 Sub-Section (ii) at pages 4549 and 4550 and issued under Section 6(i) of the Petroleum and Minerals Pipe Lines (Acquisition of Right of User in Land) Act, 1962 in respect of village Wagholi, Tehsil Haveli, District Pune, Maharashtra, for the G. Nos. an areas shown in Column No. 1 of the Schedule appended t this Corrigendum, please read the G. Nos. and areas show in Column No. 2 of the said schedule.

Lands mentioned in Part II of the appended schedule how ever, do not come under the Pipeline Project therefore, the are deleted from the schedule appended to the notificatio under section 6 Sub-Section (i) referred to above.

SCHEDULE

Read (Col. No. 2)			PART—I		For (Col. No. 1)		
Village	G. No.	H. No.	H.A.C.	Village	G. No.	H. No.	Area HAC
1	2	3	4	5	6	7	8
Wagholi	2062	—	00-25-02	Wagholi	2062	—	00-24-00
	2063	—	00-78-80	,,	2063	—	00-40-00
	2069 2225		00-10 18	,, ,,	2069 2225	— —	00 20-00 00-27-00
	2074	—	00-05-40	,,	2074	—	00-06-00
	2075	—	00-12-24	,,	2075	—	00-11-00
	2076	—	00-22-40	,,	2076	—	00-11-00
,,	2060 2076	—	00-34-20	,, ,,	2060	—	00-11-00
,,	2077 2062	—	00-07-48	,,	2077	—	00-33-00
,,	2078	—	00-32-40	,,	2078	—	00-33-00
,,	2089	—	00-16-56	,,	2089	—	00-09-00
,,	2222	—	00-02-75	,,	2222	—	00-21-0
,,	2223	—	00-16-92	,,	2223	—	00-18-00

1	2	3	4	5	6	7	8
,,	2226			,,	2226	—	00-18-00
	2230	—	00-18-00	,,	2230	—	00-04-00
	20/4	—					
	2272	—	00-32-40		2272	—	00-76-00
	2274	—	00-32-40		2274	—	00-38-00
	2275	—	00-14-04		2275	—	00-25-00
,,	2328	—	00-14-40	,,	2328	—	00-33-00
,,	2329	A-2	00-28-80	,,	2329	—	00-76-00
,,	2333	—	00-14-40	,,	2333	—	00-47-00
,,	2335	—	00-69-16	,,	2335	—	00-34-00
,,	2229	—	00-40-40	,,	2229	—	00-09-00

PART—II

Village	S. No. G. No.	H. No.	Area
Wagholi	2070	—	00-01-00
,,	2272		00-27-00
,,	2273		00-61-00
,,	2307		00-67-00

[No. O-12016/57/83-Prod.]
C.L GIROTRA Under Secy.
G.S. PARTE, Competent Auhtority. BombayPune Pipeline Project.Pune

नई दिल्ली, 6 अक्तूबर, 1988

का.आ. 3170.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. सं. 2289 तारीख 12-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बंधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

कूप नं. 25 से कूप नं. 5 तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : बड़ोदा तालुका : पादरा

गांव	ब्लाक नं.	हेक्टेयर	आरे.	सेंटीयर
1	2	3	4	5
चिखोदरा	115	0	18	75
	125	0	27	60
	146	0	20	40
	147	0	09	45
	151	0	10	95
	152	0	07	80
	150	0	03	60
	153	0	23	70
	155	0	12	45
	कार्टट्रेक	0	00	75
	199	0	08	55
	198	0	17	85
	196	0	02	00
	197	0	21	30
	195/पी	0	02	00
	कार्ट ट्रैक	0	01	50
	194/पी	0	07	05
	238	0	25	05
	237	0	01	35
	357	0	19	80
	कार्ट ट्रैक	0	00	60
	273	0	00	75
	274	0	22	95
	307	0	05	70
	312	0	03	00
	310	0	15	15
	311	0	01	50
	309	0	06	75
	314	0	09	10
	315	0	09	30
	316	0	03	45
	325	0	09	15
	324	0	09	75

[सं० ओ० 11027/54/87/ओएनजी-डी-IV]

New Delhi, the 6th October, 1988

S.O. 3170.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No 2289 dated 12-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report declared to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, threfore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDUTE

Pipeline from Well No. 24 to Well No. 5

State : Gujarat District : Baroda Taluka : Padara

Village	Block No.	Hec-tare	Are	Cen-tiare
1	2	3	4	5
Chitral	115	0	18	75
	125	0	27	60
	146	0	20	40
	147	0	09	45
	151	0	10	95
	152	0	07	80
	150	0	03	60
	153	0	23	70
	155	0	12	45
	Cart track	0	00	75
	199	0	08	55
	198	0	17	85
	196	0	02	00
	197	0	21	30
	195/P	0	02	00
	Cart track	0	01	50
	194/P	0	07	05
	238	0	25	05
	237	0	01	35
	357	0	19	80
	Cart track	0	00	60
	173	0	00	75
	274	0	22	95
	307	0	05	70
	312	0	03	00
	310	0	15	15
	311	0	01	50
	309	0	06	75
	314	0	09	10
	315	0	09	30
	316	0	03	45
	325	0	09	15
	324	0	09	75

[No. O-12016/54/87-ONGD-4]

का.आ. 3171—यत: पेट्रोलियम और खनिज पाइपलाईन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 2449 तारीख 23-6-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यत: सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यत: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

और अब उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

के-442 से जी.जी.एस. VI तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : मेहसाना तालुका : कलोल

गांव	ब्लाक सं.	हेक्टेयर	आरे.	सेन्टीयर
पानसर	527	0	16	50

[सं. ओ.-11027/102/86/ओ एन जी डी III]

S.O. 3171.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2449 dated 23-6-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notifigation for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report declared to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, threfore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from K-442 to GGS VI.

State : Gujarat District : Mehsana Taluka : Kalol

Village	Block No.	Hec-tare	Are	Cen-tiare
Pansar	527	0	16	50

[No. O-11027/102/86-ONGD. III]

का. आ. 3173—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 3308 तारीख 4-9-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाए तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

उत्तर संथाल से दक्षिण संथाल तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला व तालुका : मेहसाना

गांव	ब्लाक सं.	हेक्टेयर	आरे.	सेन्टीयर
1	2	3	4	5
कसलपुरा	838	0	11	70
	832	0	11	80
	831	0	07	00
	कार्टट्रेक	0	01	50
	823	0	07	95
	922	0	09	75
	821	0	17	25
	802	0	04	80
	790	0	15	60
	791	0	00	60
	कार्टट्रेक	0	09	00
	714	0	06	75
	713	0	03	90
	712	0	04	05
	708	0	04	05
	707	0	0 0	00
	705	0	11	55
	689	0	15	00
	688	0	03	0
	687	0	10	00
	686	0	02	75
	672	0	19	20
	671	0	13	50
		0	01	20

[सं. ओ-12016/146/86-ओ एन जी डी-4[

S.O. 3172.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3303 dated 4-9-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Aquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report declared to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, threfore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from North Santhal to South Santhal CTF

State : Gujarat District & Taluka : Mehsana

Village	Block No.	Hec-tare	Arc	Cen-tiare
Kasalpura	838	0	11	70
	832	0	11	80
	831	0	07	00
	Cart track	0	01	50
	823	0	07	95
	822	0	09	75
	821	0	17	25
	802	0	04	80
	790	0	15	60
	791	0	00	60
	Cart track	0	09	00
	714	0	06	75
	713	0	03	90
	712	0	04	05
	708	0	04	05
	707	0	06	00
	705	0	11	55
	689	0	15	00
	688	0	03	00
	687	0	10	00
	686	0	02	75
	672	0	19	20
	671	0	13	50
	Cart track	0	01	20

[No. O-12016/146/86-ONGD.4]

नई दिल्ली, 7 अक्तूबर, 1988

का. आ. 3173—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 127 तारीख 30-4-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद् द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

कूप नं. 24 से कूप नं. 5 तक पाइप लाइन बिछाने के लिए

राज्य गुजरात जिला : बड़ोदरा तालुका : पादरा

गांव	ब्लाक नं.	हेक्टेयर	आरे.	सेन्टीयर
1	2	3	4	5
सांढा	275	0	05	55
	273	0	00	96
	274	0	13	35
	276	0	03	00
	270	0	02	70
	282	0	06	90
	281/पी	0	21	90
	286	0	01	80
	291/पी	0	17	70
	323	0	06	60
	317/पी	0	26	85
	314	0	12	00

[सं. ओ-12016/33/87 ओ एन जी डी-4]

New Delhi, the 7th October, 188

S.O. 3173.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 127 dated 30-4-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Use in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report declared to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

Now, threfore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, submitted report Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Well No. 24 to Well No. 5

State : Gujarat, District : Baroda, Taluka : Padara

Village	Block No.	Hectare	Are	Centiare
Sandha	275	0	05	55
	273	0	00	96
	274	0	13	35
	276	0	03	00
	270	0	02	70
	282	0	06	90
	281/P	0	21	90
	286	0	01	80
	291/P	0	17	70
	323	0	06	60
	317/P	0	26	85
	314	0	12	00

[No. O-12016/33/87-ONG.-D.4]

का. आ. 3174—यतः पेट्रोलियम और खनिज पाईप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का. आ. स. 230 तारीख निल द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी हैं।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने का विनिश्चय किया हैं।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

4444

के-245 से कलोल-224 तक पाईप लाईन बिछाने के लिए।

राज्य : गुजरात, जिला : मेहसाना, तालुका कलोल

गांव	ब्लाक नं.	हेक्टेयर	आरे.	सेन्टीयर
1	2	3	4	5
भाखोल	325	0	15	30
	324	0	06	00
	323	0	09	90
	322	0	16	50
	कार्टट्रेक	0	00	75
	319	0	06	00
	330	0	06	15
	331	0	04	50
	352	0	16	30
	351	0	10	30
	353	0	12	00
	356	0	09	30
	कार्टट्रेक	0	00	90

[सं० 11027/13/87-ओ० एन० जी० डी० 3]

S.O. 3174.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 230 dated nil under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report declared to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, threfore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from K-245 to Kalol 224

State : Gujarat, District : Mehsana, Taluka : Kalol

Village	Block No.	Hec-tare	Are	Cen-tiare
Bhadol	325	0	15	30
	324	0	06	00
	323	0	09	90
	322	0	16	50
	Cart track	0	00	75
	319	0	06	00
	330	0	06	15
	311	0	04	50
	352	0	16	30
	351	0	10	30
	353	0	12	00
	356	0	09	30
	Cart track	0	00	90

[No. 11027/13/87-ONGD 3]

का. आ. 3175.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 411 तारीख 7-1-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

के. एन. के. फेस II की पाइप लाइन बिछाने के लिए।

राज्य : गुजरात, जिला : अहमदाबाद, तालुका : दसक्रोई

गांव	ब्लाक सं.	हेक्टेयर	आरे.	सेन्टीयर
1	2	3	4	5
कमोद	157	0	02	40
	158	0	13	10
	156	0	12	10
	164	0	11	90
	163	0	02	54
	178	0	00	60
	179	0	21	90
	183	0	14	90
	184	0	30	60
	195	0	05	00
	222	0	17	66
	223	0	14	36
	224	0	03	78
	209	0	17	00
	208	0	10	00
	227, 228, 232, 233, 235	0	79	40

[सं. ओ – 11027/42/87 – ओ एस जी डी – 3]

S.O. 3175.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No 411 dated 7-1-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report declared to acquire the right of user in the lands specified in the schedule appended to that notification;

Now, threfore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline for KNK Phase II

State : Gujarat District : Ahmedabad Taluka : Dascoi

Village	Block No.	Hec-tare	Are	Cen-tiare
Kamod	157	0	02	40
	158	0	13	10
	156	0	13	10
	164	0	11	90
	163	0	02	54
	178	0	00	60
	179	0	21	90
	183	0	14	90
	184	0	30	60
	195	0	05	00
	222	0	17	66
	223	0	14	36
	224	0	03	78
	209	0	17	00
	208	0	10	00
	227, 228, 232, 233, 235	0	79	40

[No. O-11027/42/87-ONGD.III]

का. आ. 3176—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 229 तारीख निल द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, अतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एस. डी. एच. से एस. डी. एक्स तक पाइप लाइन बिछाने के लिए।

राज्य – गुजरात जिला व तालुका – मेहसाना

गांव	ब्लाक नं.	हेक्टेयर	आरे.	सेन्टीयर
1	2	3	4	5
हेबुवा	168	0	06	12
	116	0	12	00
	224	0	02	40
	115	0	06	48
	113	0	04	80
	111	0	10	20
	109	0	09	00
	106	0	27	96

[सं. ओ – 11027/12/87 – ओ एन जी डी – III]

S.O. 3176.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 229 dated nil under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exerlise of power conferred bu sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Naturel Gas Commission free from encumbrances.

SCHEDULE

Pipeline from SDH to SDX

State : Gujarat District & Taluka : Mehsana

Village	Block No.	Hec-tare	Are	Cen-tiare
Hebuva	168	0	06	12
	116	0	12	00
	224	0	02	40
	115	0	06	48
	113	0	04	80
	111	0	10	20
	109	0	09	00
	106	0	27	96

[No. O-11027/12/87-ONGD-III]

का. आ. 3177—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 420 तारीख – द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

मोभा से सरसवणी तक पाइप लाईन बिछाने के लिए।

राज्य – गुजरात जिला – बडोदरा तालुका – पादरा

गांव	ब्लाक नं.	हेक्टेयर	आरे.	सेन्टीयर
1	2	3	4	5
सरसवणी	969	0	02	00
	968	0	07	80
	967	0	06	70
	966	0	07	00
	1934	0	00	50
	965	0	07	00
	963	0	06	50
	962	0	04	80
	981	0	16	00

[सं. ओ – 11027/51/87/ओ एन जी डी – III]

S.O. 3177.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 420 dated under sub-seltion (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the powers conferred by sub-Section I of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of the power conferrd by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall insted of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Mobha to Sarswani

State : Gujarat District : Vadodara Taluka : Padra

Village	Block No.	Hec-tare	Are	Cen-tiare
1	2	3	4	5
Saraswani	969	0	02	00
	968	0	07	80
	967	0	06	70
	966	0	07	00
	1934	0	00	50
	965	0	07	
	963	0	06	50
	962	0	04	80
	981	0	16	00

[No. O.11027/51/87-O.N.G.D. III]

का. आ. 3178—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 404 तारीख — द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

मोभा से सरसवणी तक पाईप लाईन बिछाने के लिए।

राज्य – गुजरात जिला – बडोदरा तालुका – पादरा

गांव	सर्वे नं.	हेक्टेयर	आर	सेन्टीयर
1	2	3	4	5
मोभा	कार्ट ट्रक	0	00	90
	699	0	08	90
	700	0	07	50
	701	0	08	60
	702/2	0	03	60
	702/1	0	03	00
	703	0	00	50
	706	0	13	00
	688	0	09	00
	707	0	02	70
	कार्ट ट्रेक	0	01	70
	791/1	0	07	60
	795	0	07	20
	796	0	04	20
	1504	0	02	00
	797	0	04	00
	780/1	0	40	30
	806	0	08	00
	807	0	06	00
	775	0	06	00

[सं. ओ – 11027/52/87 – ओ एन जी डी – III]

S.O. 3178.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 404 dated under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whreas he Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Mobha to Sarswani

State : Gujarat District : Vadodara Taluka : Padara

Village	Survey No.	Hec-tare	Are	Cen-tiare
Mobha	Cart track	0	00	90
	699	0	08	90
	700	0	07	50
	701	0	08	60
	702/2	0	03	60
	702/1	0	03	00
	703	0	00	50
	706	0	13	00
	688	0	09	00
	707	0	02	07
	Cart track	0	01	70
	791/1	0	07	60
	795	0	07	20
	796	0	04	20
	1504	0	02	00
	797	0	04	00
	780/2	0	40	30
	806	0	08	00
	807	0	06	00
	755	0	05	00

[No. O-11027/52/87-ONG.D.-III]

का. आ. 3179.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50 की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 413 तारीख 7-1-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप से घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

गजेण -1 से रबका जी. सी. एस. तक पाइप लाइन बिछाने के लिए।

राज्य: गुजरात जिला: बड़ोदा तालुका : दादरा

गांव	ब्लोक नं.	हेक्टेयर	एरिया.	सेन्टीयर
गामेठा	380	0	11	10
	416	0	11	25
	395	0	18	30
	396	0	04	50
	कार्टट्रेक	0	00	60
	397	0	11	85
	399	0	10	65
	कार्टट्रेक	0	01	50
	328	0	12	00
	329	0	04	28
	322	0	10	95
	321	0	03	00
	319/बी	0	05	85
	319/ए	0	10	95
	320	0	00	90
	310	0	02	55
	309	0	00	75
	300	0	15	15
	299	0	07	50
	कार्टट्रेक	0	01	05
	237	0	08	55
	235	0	12	60
	236	0	03	75
	232	0	07	50
	230	0	07	05
	229	0	06	45
	301	0	12	45

[सं. ओ. 11027/44/87- ओ.एन.जी.डी.-III]

S.O. 3179.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 413 dated 7-1-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schdule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall insted of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Gajere-1 to Dabaka GCS.

State : Gujarat District ; Baroda Taluka : Padara

Village	Block No.	Hec-tare	Are	Cen-tiare
Gametha	380	0	11	10
	416	0	11	25
	395	0	18	30
	396	0	04	50
	Cart track	0	00	60
	397	0	11	85
	399	0	10	65
	Cart track	0	01	50
	328	0	12	00
	329	0	04	28
	322	0	10	95
	321	0	03	00
	319/B	0	05	85
	319/A	0	10	95
	320	0	00	90
	310	0	02	55
	309	0	00	75
	300	0	15	15
	299	0	07	50
	Cart track	0	01	05
	237	0	08	55
	235	0	12	60
	236	0	03	75
	232	0	07	50
	230	0	07	05
	329	0	06	45
	301	0	12	45

[No. O.11027/44/87-ONGD.III]

का.आ. 3180.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 704 तारीख 17-2-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

गंधार से धुवारण तक पाइपलाइन बिछाने के लिए।

राज्य : गुजरात जिला-बड़ोदा तालुका-बोरसाद

गांव	सर्वे नं.	हेक्टर	आर.	सेन्टीयर
1	2	3	4	5
गाअणा	383	0	46	67
	331	0	04	18
	329	0	36	61
	328	0	15	77
	383	0	03	50
	327	0	26	85
	कार्टट्रेक	0	07	41
	332	0	13	22
	339/1	0	13	50
	339 3	0	04	20
	339/5	0	05	40
	339/6	0	09	60
	342	0	17	63
	343/1	0	10	34
	344	0	28	20
	345/5	0	07	80
	345/4	0	12	90
	383	0	01	28
	346	0	15	23
	347/1	0	30	00
	351/2	0	00	70
	350	0	21	50
	361/2	0	21	72
	361/1	0	02	64
	360	0	38	10
	376	0	15	30
	375/3	0	08	97
	375/2	0	02	92
	375/1	0	14	40
	402/1	0	24	00
	401	0	29	90
	17	0	39	60
	20	0	21	60
	21	0	26	25
	22	0	00	75
	12	0	00	04
	24/2	0	46	80
	24/1	0	19	50
	25/1	0	13	50
	86/1	0	26	10
	87 2	0	08	36
	84/2	0	29	40
	84/1	0	13	08

1	2	3	4	5
	83/1	0	09	60
	103/2	0	10	72
	103/1	0	08	12
	103/3	0	24	90
	105/2	0	01	20
	104	0	00	36
	कार्टट्रैक	0	13	80
	108/2	0	05	77
	108/1	0	14	40
	107/1	0	02	25
	106/1	0	13	54
	106/2	0	16	05

[सं. ओ. 11027/57/88-ओ. एन.जी.डी-3]

S.O. 3180.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 704 dated 17-2-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962, the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government ;

And furher whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands instead of vesting in Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Gandhar to Dhuvaran

State : Gujarat District : Kheda Taluka : Borsad

Village	Survey No.	Hectare	Are	Centiare
1	2	3	4	5
Gajna	383	0	46	67
	331	0	04	18
	329	0	36	61
	328	0	15	77
	383	0	03	50
	327	0	26	85
	Cart track	0	07	41
	332	0	13	22
	339/1	0	13	50
	339/3	0	04	20
	339/5	0	05	40
	339/6	0	09	60
	342	0	17	63
	343/1	0	10	34
	344	0	28	20
	345/3	0	07	80
	345/4	0	12	90
	383	0	01	28
	346	0	15	22
	347/1	0	30	00
	351/2	0	00	70
	350	0	21	50
	361/2	0	21	72
	361/1	0	07	64
	360	0	38	10
	376	0	15	30
	375/3	0	08	97
	375/2	0	02	92
	375/1	0	14	40
	402/1	0	24	00
	401	0	29	90
	17	0	39	60
	20	0	21	60
	21	0	26	25
	22	0	00	75
	12	0	00	04
	24/2	0	46	80
	24/1	0	19	50
	25/1	0	13	50
	86/1	0	26	10
	87/3	0	08	36
	84/2	0	29	40
	84/1	0	13	08
	83/1	0	09	60
	103/2	0	10	72
	103/1	0	08	12
	103/3	0	24	90
	105/2	0	01	20
	104	0	00	36
	Cart track	0	13	80
	108/2	0	05	77
	108/1	0	14	40
	107/1	0	02	25
	106/1	0	13	54
	106/2	0	16	05

[No. O-11027/57/88-ONGD-III]

का.आ. 3181.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन (अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उस धारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

गंधार से धुवारण तक पाइप लाईन बिछाने के लिए।

राज्य-गुजरात	जिला-भड़ौच		तालुका-वागरा	
गाँव	सर्वे नं.	हेक्टर	आर	सेन्टी-यर
गंधार	322	0	39	17

[सं. ओ.-11027/45/87-ओ.एन.जी.जी.-III]

S.O. 3181.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 414 dated..... under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exerise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Gandhar to Dhuvaran

State : Gujarat District : Bharuch Taluka : Vagra

Village	Survey No.	Hec-tare	Are	Cen tiare
Gandhar	322	0	239	17

[No. O-11027/45/87-ONGD-III]

का.आ. 3182.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय, पेट्रोलियम विभाग की अधिसूचना का.आ. सं. 226 तारीख नील द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ;

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है ।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जे. एस. डी. के. से ऐन. ऐन. सी. आर. से ऐन. ऐस. सी. टी. एफ. तक पाइप लाइन बिछाने के लिए।

राज्य:गुजरात	जिला: व तालुका:		सेहराना	
गाँव	सर्वे नं.	हेक्टेयर	आर	सेन्टी-यर
1	2	3	4	5
मोकनज	718	0	03	00
	967	0	03	00
	963	0	01	00
	964/2	0	09	60
	960	0	01	92
	959	0	03	36
	958	0	03	36
	941	0	04	20
	942	0	01	92
	940	0	02	52
	943	0	04	44
	705	0	10	68
	930	0	14	64
	913	0	10	80
	916/915	0	21	36

[सं. ओ. 11027/1/87 ओ.एन.जी.जी.-III]

S.O. 3182.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 226 dated nil under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline ;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification here y acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from JNDK to SNCR to NS CTF

State : Gujarat District & Taluka : Mehsana

Village	Block No.	Hec-tare	Are	Cen-tiare
Mankanaj	718	0	03	00
	967	0	03	00
	963	0	03	00
	964/2	0	09	60
	960	0	01	92
	959	0	03	36
	958	0	17	40
	941	0	04	20
	942	0	01	92
	940	0	02	52
	943	0	04	44
	705	0	10	68
	930	0	14	64
	913	0	10	80
	916/915	0	21	36
	318/2	0	07	80
	521	0	11	76
	520	0	04	32
	532	0	03	96
	523	0	00	72
	528	0	17	64
	कार्टट्रेक	0	00	60
	596	0	09	84
	कार्टट्रेक	0	00	84
	581	0	10	80
	582	0	10	92
	579	0	04	80
	584	0	10	68
	575	0	15	00
	574	0	02	40
	573 एण्ड 572	0	06	84

[No. O-11027/8/87-ONGD-III]

का.आ. 3183:—यतः पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.आ. सं. 225 तारीख नील द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का आशय घोषित कर दिया था ।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित कर का विनिश्चय किया है ।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है ।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा ।

अनुसूची

ऐन. के. -15 से, ऐन के. ई. ऐन. तक पाइप लाइन बिछाने के लिए :

राज्य: गुजरात जिला : मेहसाना तालुका : कड़ी

गांव	सर्वे नं.	हेक्टेयर	आर.	सेन्टीयर
1	2	3	4	5
सूरज	463	0	10	44
	476	0	07	08
	512	0	09	24
	511	0	11	20

S.O. 3183.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 225 dated nil under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline ;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from NK-15 to NKEL

State: Gujarat District : Mehasna Taluka : Kadi

Village	Survey No.	Hec-tare	Are	Cen-tiare
Suraj	463	0	10	08
	512	0	07	44
	511	0	11	20
	518/2	0	07	80
	521	0	11	76
	520	0	04	32
	532	0	03	96
	523	0	00	72
	528	0	17	64
	Cart track	0	00	60
		0	09	84
	Cart track	0	00	84
	581	0	10	80
	582	0	10	92
	579	0	04	80
	544	0	10	68
	775	0	15	00
	54	0	02	40
	573 & 572	0	06	8

[No. O-11027/87-ONGD-III]

का.आ. 3184:—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन (अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 419 तारीख द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूचित में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

मोभा से सरस्वणी तक पाइप लाइन बिछाने के लिए।

राज्य-गुजरात जिला-वडोदरा तालुका-पादरा

गांव	सर्वे नं.	हेक्टर	आर.	सेन्टीयर
1	2	3	4	5
राजपुरा	156	0	04	90
	158	0	06	20
	159	0	02	90
	160	0	02	60
	161	0	03	80
	174	0	05	15
	175	0	02	40
	176	0	04	00

[सं. ओ. 11027/50/87-ओ एन जी. डी.III]

S.O. 3184.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 419 dated nil under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-seltion (1) of Sestion 6 of the said Art, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exerise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the setion, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Mobha to Sarswani

State : Gujarat District : Vadodara Taluka : Padra

Village	Survey No.	Hectare	Are	Centiare
Rajupura	156	0	04	90
	158	0	06	20
	159	0	02	90
	160	0	02	60
	161	0	03	80
	174	0	05	15
	175	0	02	40
	176	0	04	00

[No. O-11027/50/87-ONGD-III]

का.आ. 3185—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.स. 463 तारीख 1-2-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है

और यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित कर है कि इस अधिसूचना में सलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

मोभार से धुवारण तक पाइप लाइन बिछाने के लिए

राज्य-गुजरात जिला वडोदरा तालुका-पादरा

गांव	ब्लाक नं.	हेक्टर	आर.	सेन्टीयर
1	2	3	4	5
मांडा	277	0	40	60
	278	0	24	24
	279	0	00	66
	कार्टट्रेक	0	03	00

[स. ओ. 11027/27/88/ओ. एन. जी. डी.-III]

S.O. 3185.—Whereas by notifiration of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 463 dated 1-2-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the setion, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Gandhar to Dhuvaran

State : Gujarat District : Vadodara Taluka : Padra

Village	Block No.	Hec-tare	Are	Cen-tiare
Sandha	277	0	40	50
	278	0	24	24
	279	0	00	66
	Cart track	0	03	90

[No. O-11027/27/88-ONGD-III]

का.आ. 3186—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. सं. 405 तारीख 7-1-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था ।

और यतः सक्षम प्राधिकारियों ने उक्त अधिनियम की धारा 7 की उपधारा (1) के अधीन सरकार को रिपोर्ट दी है ।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है ।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा ।

अनुसूची

के. एन जी. के. फेज II की पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : अहमदाबाद तालुका : धसकोई

गांव	सर्वे नं.	हेक्टेयर	आर.	सेंटीयर
1	2	3	4	5
फतेहवाड़ी	189/189/190	0	09	10
	9 188/189/190	0	15	00
	6 188/189/190	0	03	50
	3 105/107/108/109	0	25	00
	9 105/107/108/109	0	02	20
	12 110 से 115	0	01	95
	6 232/198/199/200/233	0	14	70
	1 236, 237, 238, 240, 241, 242	0	16	00
	1 236, 237, 238, 240, 241, 242	0	11	00
	2 225, 215, 227, 230, 231 229, 261	0	03	01
	260	0	07	60
	309	0	05	10
	310+313	0	08	03
	311	0	09	00
	317, 318, 312 325, 314, 315, 316, 326, 531 338, 342, 319	0	08	80
	से 323	0	18	50
	568	0	03	70
	339	0	11	14
	336	0	10	39
	400	0	04	13
	401	0	08	50

1	2	3	4	5
	402	0	00	16
	398	0	07	70
	397	0	09	10
	406	0	02	90
	410/2	0	11	26
	413/2	0	00	70
	413/1	0	01	44
	412	0	09	00
	236, 237, 238, 240, 241, 242	0	16	00
	1			
	236, 237, 238, 240, 241, 242	0	11	00
	2			
	228, 225, 227, 230, 231, 239, 261	0	03	00
	260	0	07	60
	309	0	05	10
	310+313	0	08	00
	311	0	09	00
	317, 318, 312, 325, 314, 315, 316, 326, 531	0	08	80
	338, 342, 319 to 323	0	18	50
	568	0	03	70
	339	0	11	14
	336	0	10	29
	400	0	04	13
	401	0	08	50
	402	0	00	16
	398	0	07	70
	397	0	09	10
	406	0	02	90
	410/2	0	11	26
	413/2	0	00	70
	413/1	0	01	44
	412	0	09	00

[मं. ओ. 11027/37/87/ओ एन जी डी-III]

S.O. 3186.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 405 dated 7-1-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification here acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline for KNK Phase II

State : Gujarat District : Ahmedabad Taluka : Dascroi

Village	Survey No.	Hectare	Are	Centiare
1	2	3	4	5
Fatehwadi	188/189/190	0	09	10
	9			
	188/189/190	0	15	00
	6			
	188/189/190	0	08	50
	3			
	105/107/108/109	0	25	00
	9			
	105/107/108/109	0	02	20
	12			
	110 to 115	0	01	95
	6			
	232/198/199/200/233	0	14	70
	1			

[सं. ओ-11027/37/87/ONGD-III]

का.आ. 3187.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में लनवा जी.जी.एस-III से वलीद जी.जी.एस/सी.टी.एफ तक पेट्रोलियम के परिवहन के लिये पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्उपाबद्ध अनुसूची में वर्णित भूमि का उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा (1) प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है ।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप, सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत ।

अनुसूची

लनवा जी.जी. एस.-III से बलोल जी.जी.एस./सी.टी. एफ. तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : मेहसाना तालुका : मेहसाना

गांव	सर्वे नं.	हैक्टेयर	आर	सेंटीयर
कनोडा	कार्ट ट्रेक	0	02	25
	534	0	01	75
	535	0	17	90
	536/पी	0	03	20
	536	0	16	80
	538	0	08	20
	539	0	06	50
	553	0	19	40
	551/1	0	24	70
	557	0	17	90
	562	0	25	00
	577	0	05	00
	576	0	06	00
	578/पी	0	26	05
	578	0	12	80
	573/पी	0	00	25
	573	0	22	35
	574	0	00	36

[स. ओ.-11027/170/88-ओ एन जी डी-III]

के. विवेकानन्द, डैस्क अधिकारी

S.O. 3187.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Lanva Gas III to Balel Gas CTF in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the Pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner

SCHEDULE

Pipeline from Lanwa GGS III to Balol GGS/CTF

State : Gujarat District : Mehsana Taluka : Mehsana

Village	Survey No.	Hectare	Are	Centiare
Kanoda	Cart track	0	02	25
	534	0	01	75
	535	0	17	90
	536/P	0	03	20
	536	0	16	80
	538	0	08	20
	539	0	06	50
	553	0	19	40
	551/1	0	24	70
	557	0	17	90
	562	0	25	00
	577	0	05	00
	576	0	06	00
	578/P	0	26	05
	578	0	12	80
	573/P	0	00	25
	573	0	22	35
	574	0	00	36

[No. O-11027/170/88-ONGD.-III]

K. VIVEKANAND, Desk Officer

ऊर्जा मंत्रालय

(कोयला विभाग)

नई दिल्ली, 30 सितम्बर, 1988

का.आ. 3188.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित परिक्षेत्र की भूमि में कोयला अभिप्राप्त किए जाने की संभावना है ;

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है ;

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक संख्या राजस्व/87/33, तारीख 10 सितम्बर 1987 का निरीक्षण साउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर (मध्य प्रदेश) के कार्यालय में अथवा कलक्टर, ढेंकनाल (उड़ीसा) के कार्यालय में अथवा कोयला नियंत्रक, 1, काउन्सिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है ;

इस अधिसूचना के अधीन आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में विनिर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, सहायक सम्पदा प्रबन्धक, साउथ ईस्टर्न कोलफील्ड्स लिमिटेड सीपत रोड बिलासपुर मध्य प्रदेश को देंगे ।

अनुसूची

साकी गोपाल ब्लाक

तालचर कोयला क्षेत्र

जिला ढेनकनाल (उड़ीसा)

रेखांक सं. राजस्व/87/33

तारीख : 1 सितम्बर, 1987

(पूर्वेक्षण के लिए अधिसूचित भूमि दर्शित करते हुए)

क्रम सं.	ग्राम का नाम	थाना सं	तहसील	जिला	क्षेत्र एकड़ में	टिप्पणी
1	2	3	4	5	6	7
1.	धरमपुर	153	तालचर	ढेनकनाल	15.00	भाग
2.	द्वारीपुर	154	,,	,,	20.09	पूरा
3.	मीतुवाली	155	,,	,,	93.73	पूरा
4.	कंकीली	156	,,	,,	1277.35	भाग
5.	तेलीबहाल	157	,,	,,	8.32	पूरा
6.	कोस्टापासी	158	,,	,,	18.38	पूरा
7.	झरनाली		,,	,,	14.42	भाग
8.	मारिहरपुर		,,	,,	38.75	पूरा
9.	काचुडी	161	,,	,,	148.68	भाग
10.	बलिपीडी	162	,,	,,	46.31	पूरा
11.	कुछियानाली	163	,,	,,	12.71	पूरा
12.	गुन्यावहल	164	,,	,,	23.32	पूरा
13	बनीली	165	,,	,,	8.39	पूरा
14.	भेरुबनिया	166	,,	,,	23.07	पूरा
15.	रामचन्द्रपुर	167	,,	,,	46.48	पूरा
16.	बिहारीपुर	168	,,	,,	171.73	पूरा
17.	केटलन्द्रपुर	169	,,	,,	149.76	भाग
18.	प्रमोदप्रसाद	170	,,	,,	221.87	भाग
19	किशोरीपाल	171	,,	,,	180.83	भाग
20.	बीरबरपाली	172	,,	,,	19.36	पूरा
21.	महुलापाल (ख)	173	,,	,,	32.13	पूरा
22.	महुलापल (ग)	174	,,	,,	25.555	पूरा
23.	दासरथीपुर	136	,,	,,	22.125	भाग
			कुल योग		2,619.26 एकड़ (लगभग)	
			या		1,060.00 हैक्टार (लगभग)	

सीमा वर्णन :

क-ख रेखा बिन्दु "क" से प्रारम्भ होती है और धरमपुर कंकीली, केटलान्द्रपुर, प्रमोदप्रसाद और दासरथीपुर ग्रामों से होकर जाती है तथा बिन्दु "ख" पर मिलती है ।

ख-ग रेखा दासरथीपुर ग्राम से होकर जाती है और तब प्रमोदप्रसाद, महुलापाल (क), महुलापाल (ख), बीरबरपाली, किशोरीपाल ग्रामों को भागतः दक्षिणी सीमा के साथ-साथ चलती है और बिन्दु "ग" पर मिलती है।

ग-घ रेखा किशोरीलाल, काचड़ी, हरिपुर, झरवाली और ककिली ग्राम से होकर जाती है, जो बहमानी नदी पश्चिमी सीमा भी है तथा बिन्दु "घ" पर मिलती है।

घ-क रेखा कंकिली और धरमपुर ग्रामों से होकर जाती है और प्रारंभिक बिन्दु "क" पर मिलती है ।

[(फा. सं. 43015/7/88--एल.एस. डब्ल्यू.)]

MINISTRY OF ENERGY

(Department of Coal)

New Delhi, the 30th September, 1988

S.O. 3188:—Whereas it appears to the Central Government that Coal is likely to be obtained from the land in the locality mentioned in the Schedule thereto annexed:

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition & Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein:

The Plan No. Rev/87/33, dated the 10th September, 1987 of the area covered by this notification can be inspected at the Office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur (Madhya Pradesh), or at the office of the collector, Dhenkanal (Orissa) or at the Office of the Coal controller, 1, Council House Street Calcutta:

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub section (7) of section 13 of the said Act to the Assistant state Manager, South Eastern Coalfields Ltd., Seepat Road Bilaspur (Madhya Pradesh) within ninety days from the date of the publication of this notification in the Official Gazette.

THE SCHEDULE

SAKHIGOPAL BLOCK

TALCHER COALFIELD

DIST.—DHENKANAL (ORISSA)

Plan No. REV/87/33 dated 10th Sept., 87.
(Showing land notified for prospecting)

Sl. No.	Name of Village	Thana Number	Tahsil	District	Area in acre	Remark
1.	Dharampur	153	Talcher	Dhenkanal	15.00	Part
2.	Duarlpur	154	-do-	-do-	20.99	Full
3.	Mituani	155	-do-	-do-	93.73	-do-
4.	Kankili	156	-do-	-do-	1277.35	Part
5.	Telibahal	157	-do-	-do-	8.32	Full
6.	Kostapasi	158	-do-	-do-	18.38	do
7.	Jharanali	159	do	-do-	14.42	Part
8.	Hariharpur	160	do	-do-	38.75	Full
9.	Kakudi	161	do	-do-	148.68	Part
10.	Barlijodi	162	do	-do-	46.31	Full
11.	Kuchianali	163	-do-	-do-	12.71	Full
12.	Gunthabahal	164	-do-	-do-	23.32	Full
13.	Baranali	165	-do-	-do-	8.39	Full
14.	Bherubania	166	-do-	-do-	23.07	Full
15.	Ramchandrapur	167	-do-	-do-	46.48	Full
16.	Biharipur	168	-do-	-do-	171.73	Full
17.	Ketlandpur	169	-do-	-do-	149.76	Part
18.	Pramodprasad	170	-do-	-do-	221.87	Part
19.	Kishoripal	171	-do-	-do-	180.83	Part
20.	Birabarpali	172	-do-	-do-	19.36	Full
21.	Mahulapal (B)	173	-do-	-do-	32.13	Full
22.	Mahulpal (A)	174	-do-	-do-	25.555	Full
23.	Dasarathipur	136	-do-	-do-	22.125	Part
	TOLAL :				2,619.26 Acre (Approx) OR 1,060.00 Ha (approx).	

BOUNDARY DESCRIPTION :

A—B	B Line starts from point "A" passes through Villages Dharmapur, Kankili, Ketlandpur, Pramodaprasad and Dasarathipur, and meets at Point 'B'.
B—C	C Line passes through Village Dasarathipur and then along the partly Southern boundary of Villages Pramodaprasad, Mahulapal (A), Mahulapal (A), Biraharpali, Kishoripal and meets at point 'C'.
C—D	Line passes through villages Kishoripal, Kakudi, Hariharapur, Jharanali and Kankili, which is also Western boundary of river Brahmani and meets at point 'D'.
D—A	Line passes through Villages Kankili and Darampur and meets at the Starting point "A".

[No. 43015/7/88-LSW]

का आ 3189.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का सर्वेक्षण करने के अपने आशय की सूचना देती है ;

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. सी-1 (ई) III/जे जे आर/418-0588 का निरीक्षण वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोयला इस्टेट, सिविल लाइन्स, नागपुर-440001 के कार्यालय में या कलक्टर, यवतमाल (महाराष्ट्र) के कार्यालय में अथवा कोयला नियंत्रक-1, काउन्सिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है ।

इस अधिसूचना के अधीन आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को, इस अधिसूचना के प्रकाशन की तारीख से नब्बे दिन के भीतर, राजस्व अधिकारी, वेस्टर्न कोलफील्ड्स लिमिटेड, कोयला इस्टेट, सिविल लाइन्स, नागपुर-440001 को भेजेंगे ।

अनुसूची

कोलार पिपरी ब्लाक

वानी क्षेत्र

जिला यवतमाल (महाराष्ट्र)

क्र.सं.	ग्राम का नाम	पटवारी सर्किल सं.	तहसील	जिला	क्षेत्र हैक्टर में	टिप्पणियां
1.	गोवारी	31	वानी	यवतमाल	108.36	भाग
2.	कोना	31	वानी	यवतमाल	30.09	भाग
3	सावरला	31	वानी	यवतमाल	2.20	भाग
4.	आरसी	31	वानी	यवतमाल	76.29	भाग
5	पिम्परी	31	वानी	यवतमाल	1.11	भाग
			कुल क्षेत्र	218.08 हैक्टर (लगभग)		
			या	538.65 एकड़ (लगभग)		

सीमा वर्णन

क-ख — रेखा क बिन्दु से आरम्भ होती है और पिम्परी आरसी गोवारी ग्रामों से होकर जाती है और "ख" बिन्दु पर मिलती है ।

ख-ग-घ-ङ-च-छ — रेखा गोवारी, कोना, सावरला ग्राम से गुजरती है और "ट" बिन्दु पर मिलती है ।

छ-ज-झ-ञ — रेखा सावरला, कोना, गोवारी ग्रामों से होकर जाती है तथा कोना और गोवारी ग्रामों की सम्मिलित ग्राम सीमा के साथ भागतः चलती हुई "अ" बिन्दु पर मिलती है ।

ञ-क — रेखा वर्धा नदी के दक्षिणी किनारे के साथ-साथ चलती है और आरम्भिक बिन्दु "क" पर मिलती है ।

[फा सं. 43015/9/88-एल.एस.डब्ल्यू.]

बी. बी. राव अवर सचिव

S.O. 3189.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentiond in the Schedule hereto annexed:

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Aquisition and Development) Act, 1957 (20 of 1957) the Central Government hereby gives notice of its intention to prospect for coal therein ;

The plan bearing No. C-1(E)/III/JJR/418-0588, of the area covered by this notification can be inspected at the Office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur—440 001 or at the office of the Collector, Yavatmal (Maharashtra) or at the Office of the Coal Controller-1, Council House, Street, Calcutta.

All person interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Officer, Western Coalfields Limited, Coal Estate Civil Lines, Nagpur—440 001 within ninety days from the date of publication of this notificatilon.

THE SCHEDULE

KOLAR—PIMPRI BLOCK
WANI AREA
DISTRICT—YEVATMAL (MAHARASHTRA)

Serial No.	Name of Village	Patwari Circle Number	Tehsil	District	Area in Hectares	Remarks
1.	Gowari	31	Wani	Yevatmal	108 36	Part
2.	Kona	31	Wani	Yevatmal	30.09	Part
3.	Sawarla	31	Wani	Yevatmla	2.20	Part
4.	Agasi	32	Wani	Yevatmal	76.29	Part
5.	Pimpari	32	Wani	Yevatmal	1.14	Part
		TOTAL AREA :			218.08 hectares (approximately) OR 538.65 acres (approximately)	

Boundary description :

A—B	Line starts from point 'A' and passes through village Pimpri, Agasi, Gowari and meets at point B.
B—C—D—E - F- G-	Line passes through villages Gowari, Kona, Sawarla and meets at point 'G'.
G- H- I- J	Line passes through villages Sawarla, Kona, Gowari and partly along the common village boundary of Villages Kona and Gowari and meets at point 'J'.
J—A	Line passes along the southern bank of Wardha River and meets at starting point 'A'.

[No. 43015/9/88—LSW]
B. B. RAO, Under Secy.

नई दिल्ली, 6 अक्तूबर, 1988

का. आ. 3190.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में ऊर्जा मंत्रालय (कोयला विभाग) के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिनके कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है अधिसूचित करती है :—

(1) क्षेत्रीय कार्यालय,
कोयला खान भविष्य निधि संगठन,
क्षेत्र-III, रांची ।

(2) क्षेत्रीय कार्यालय,
कोयला खान भविष्य निधि संगठन,
क्षेत्र-देवघर
(बिहार)

[सं. ई 11016/18/88—हिंदी]
विजय शंकर दुबे, संयुक्त सचिव

New Delhi, the 6th October, 1988

S.O. 3190.—In pursuance f sub-rule (4) of Rule 10 of the Official Language (Use for Official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices, under the Administrative control of the Ministry of Energy (Department of Coal), the staff whereof have acquired working knowledge of Hindi :

(1) Regional Officer, Coal Mines Provident Fund Organisation, Region III, Ranchi.

(2) Regional Office, Coal Mines Provident Fund Organisation, Region Dovghar.

[F. No. E-11016/18/88-Hindi]
V. S. DUBEY, Jt. Secy.

वस्त्र मंत्रालय

नई दिल्ली, 12 सितम्बर, 1988

का. आ. 3191.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में वस्त्र मंत्रालय के अधीनस्थ आने वाले निम्नलिखित कार्यालयों को, जिसके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. भारतीय कपास निगम लि.,
2090—ए दी माल, पो. बा. सं. 31
भटिंडा 151001

2. क्षेत्रीय विकास कार्यालय,
केन्द्रीय रेशम बोर्ड, पूर्णिमा,
172-ए पाटलीपुत्र कालोनी,
पटना-800013

[सं० ई 11011/22-86 हिन्दी]
ओ. पी. कालड़ा, उप सचिव

MINISTRY OF TEXTILES

New Delhi, the 12th September, 1988

S.O. 3191.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rule, 1976, the Central Government hereby notifies the following offices under the Ministry of Textiles whereof more than 80% staff have acquired working knowledge of Hindi :—

1. Cotton Corporation of India Ltd.
2090-A, The Mall, Post Box No. 31,
Bhatinda-151001.

2. Regional Development Office,
Central Silk Board, Poornima,
172-A Patliputra Colony,
Patna-800013.

[No. E-11011/22/86-Hindi]
O. P. KALRA, Dy. Secy.

(वस्त्र उद्योग समिति)

बम्बई, 26 सितम्बर, 1988

का. आ. 3192.—वस्त्र उद्योग समिति अधिनियम 1963 (1963 का क्रमांक-41) की धारा 23, जो कि इसी अधिनियम की धारा 4 की उपधारा-2 के वर्ग (सी) (डी) एवं (इ) के साथ पठित है के अधीन स्वयं को प्रदान की गई शक्तियों का प्रयोग करते हुए वस्त्र उद्योग समिति केन्द्रीय सरकार की पूर्वानुमति से मैनमेड फाइबर वस्त्र जांच विनियमों, 1972 में संशोधन हेतु निम्न विनियम बनाती है:—

1. (1) ये विनियम मैन-मेड फाइबर वस्त्र जांच (संशोधन) विनियम 1988 कहलायेंगे ।

(2) ये विनियम सरकारी राजपत्र में प्रकाशित होने के दिन से ही लागू माने जायेंगे ।

2. मैन-मेड फाइबर वस्त्र (जांच) विनियम, 1972 में : विनियम 2, के उपविनियम (इ) के क्रमांक के बाद निम्न उपविनियम जोड़े:—

(1) "(1) मैन-मेड फाइबर से बनाए गए मिल-मेड (पावरलूम फैब्रिक्स जो कि रेयान एवं मेथेंटिक फाइबर है जो कि ब्लीण्डिड यार्न से बने हुए वस्त्र को छोड़कर

(2) परिशिष्ट-II में प्रकाशित की गयी टिप्पणी को निकाल दिया गया है ।

पाद टिप्पणी:—प्रमुख विनियम/आदेश जो भारत के राजपत्र में एस. ओ. 80(15)/71, दिनांक नहीं, भारत के राजपत्र दिनांक 12-8-1972 में भाग 3 धारा-4, पृष्ठ 1293 में प्रकाशित

निम्नानुसार संशोधन किए गए विनियम भारत के राजपत्र में एस. ओ. 4769 दिनांक 12-10-1985 में भाग 21 धारा 3(II) पृष्ठ 5391 एवं 5392 में प्रकाशित किए गए थे ।

[क्रमांक : 80/(18)/85—प्रशासन]
आर. के. कपूर, सदस्य सचिव

TEXTILES COMMITTEE

Bombay, the 26th September, 1988

S.O. 3192.—In exercise of the powers conferred by section 23, read with clause (c) (f) and (e) of sub-section (2) of secton 4, of the Textiles Committee Act, 1963 (41 of 1963) the Textiles Committee with the previous sanction of the Central Government, hereby makes the following regulations to amend the Man-made Fibre Fabrice (Inspection) Regulations, 1972, namely :—

1. (1) These regulations may be called the Man-made Fibre Fabrics (Inspection) Amendment Regulations, 1988.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Man-made Fibre Fabrics (Inspection) Regulations, 1972, for item (i) of sub-regulation (e) of regulation 2, the following shall be substituted, namely :—

(i) "(i) Mill-made/powerloom fabrics made out of man-made fibres, that is, rayon or synthetic fibres but excludes fabrics made from blended yarns, and".

(ii) The Note appearing under Appendix II shall be omitted.

Footnote :

Principal Rules/Order published vide Notification No. S.O. 80(15)/71, dtd : Nil Gazette of India dtd : 12-8-1972 Part III Section 4, Page No. 1293.

Subsequently amended by Notification No. S.O. 4769 dtd : 12-10-1985 Part II Section 3(ii) Page No. 5391 and 5392, published in the Gazette of India.

[No. 80(18)/85-Adm]
R. K. KAPOOR, Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 3 अक्तूबर, 1988

का. आ. 3193 :—अखिल भारतीय आयुर्विज्ञान संस्थान अधिनियम, 1956 (1956 का 25) की धारा 4 के खण्ड (इ.) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा निम्नलिखित व्यक्तियों को अखिल भारतीय आयुर्विज्ञान संस्थान, नई दिल्ली के सदस्यों के रूप में मनोनीत करती है, अर्थात्:—

1. श्री मोतीलाल वोरा,
स्वास्थ्य और परिवार कल्याण मंत्री ।
2. श्री आर. श्रीनिवासन,
सचिव, स्वास्थ्य और परिवार कल्याण मंत्रालय ।
3. डा. डी. जे. डस्सावाला, अध्यक्ष, भारतीय कैंसर सोसायटी,
नई दिल्ली ।
4. प्रोफेसर एच. डी. टण्डन,
भूतपूर्व अध्यक्ष,
अखिल भारतीय आयुर्विज्ञान संस्थान,
बी-7/8, सफदरजंग एक्लेव,
नई दिल्ली ।

[संख्या वी. 16011/2/88-एम. ई. (पी. जी.)]

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 3rd October, 1988

S.O. 3193.—In pursuance of clause (e) of the Section 4 of the All India Institute of Medical Sciences Act, 1956 (25 of 1956), the Central Government hereby nominates the following persons to be members of the All India Institute of Medical Sciences, New Delhi, namely :—

1. Shri Motilal Vora,
Minister of Health and Family Welfare.
2. Shri R. Srinivasan,
Secretary, Ministry of Health and Family Welfare.
3. Dr. D. J. Dussawalla, President, Cancer Society, India,
New Delhi.
4. Prof. H.D. Tandon, former Director, All India Institute of Medical Sciences, B-7/8 Safdarjang Enclave,
New Delhi.

[No. V. 16011/2/88-ME(PG)]

का. आ. 3194.—अखिल भारतीय आयुर्विज्ञान संस्थान नियम, 1958 के नियम 3 के साथ पठित अखिल भारतीय आयुर्विज्ञान संस्थान अधिनियम, 1956 (1956 का 25) की धारा 4 के खण्ड (च) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा निम्नलिखित व्यक्तियों को अखिल

भारतीय आयुर्विज्ञान संस्थान, नई दिल्ली के सदस्यों के रूप में मनोनीत करती है, अर्थात्:—

1 डा. बलवन्त सिंह तुंग,
निदेशक, अनुसंधान और आयुर्विज्ञान शिक्षा,
पंजाब सरकार, चंडीगढ़ ।

2. डा. (श्रीमती) रमणी शिवरामन्,
निदेशक,
आयुर्विज्ञान शिक्षा,
तमिलनाडु, मद्रास ।

3. डा. सी. पी. तिवारी, डीन,
एम. जी. मेडिकल कालेज,
इंदौर ।

4. डा. सी. एम. हबीबुल्ला,
प्रोफेसर और जठरान्त्र विज्ञान विभाग के अध्यक्ष,
उस्मानिया मेडिकल कालेज और अस्पताल,
हैदराबाद ।

[सं. वी. 16011/2/88—एम. ई. (पी. जी.)]

S.O. 3194.—In pursuance of clause (f) of Section 4 of the All India Institute of Medical Sciences Act, 1956 (25 of 1956) read with the rule 3 of the All India Institute of Medical Sciences Rules, 1958 the Central Government hereby nominates the following persons to be Members of the All India Institute of Medical Sciences, New Delhi, namely :

1. Dr. Balwant Singh Tung, Director Research and Medical Education,
Govt. of Punjab, Chandigarh.

2. Dr. (Smt.) Ramani Sivaraman,
Director, Medical Education,
Tamil Nadu, Madras.

3. Dr. C. P. Tewari, Dean,
MG Medical College,
Indore.

4. Dr. C. M. Habbiulah, Professor and Head of the Deptt. of Gastro-enterology, Usmania Medical College, Hyderabad.

[No. V.16011/2/88-ME(PG)]

का. आ. 3195.—अखिल भारतीय आयुर्विज्ञान संस्थान अधिनियम, 1956 (1956 का 25) की धारा 4 के खण्ड (घ) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा निम्नलिखित व्यक्तियों को अखिल भारतीय आयुर्विज्ञान संस्थान, नई दिल्ली के सदस्यों के रूप में मनोनीत करती है, अर्थात्:—

1. श्री अनिल बोर्डिया सचिव, शिक्षा विभाग, मानव संसाधन विकास मंत्रालय, नई दिल्ली ।	मानव संसाधन विकास मंत्रालय, शिक्षा विभाग का प्रतिनिधि ।
2. श्री एन. एस. पक्षी, संयुक्त सचिव (वित्तीय सलाहकार), स्वास्थ्य और परिवार कल्याण मंत्रालय, नई दिल्ली ।	वित्त मंत्रालय का प्रतिनिधि ।

[सं. वी. 16011/2/88-एम. ई. (पी जी.)]

S.O. 3195.—In pursuance of clause (d) of Section 4 of the All India Institute of Medical Sciences Act, 1956 (25 of 1956), the Central Government hereby nominates the following persons to be member of the All India Institute of Medical Sciences, New Delhi, namely :—

1. Shri Anil Bordia, Secretary, Deptt. of Education, Ministry of Human Resource Development New Delhi.	Representative of the Ministry of Human Resource Development, Deptt. of Education.
2. Shri N.S. Pakshi, Joint Secretary (Financial Adviser), Ministry of Health and Family Welfare, New Delhi.	Representative of the Ministry of Finance

[No. V. 16011/2/88-ME(PG)]

नई दिल्ली, 4 अक्तूबर, 1988

का. आ. 3196.—अखिल भारतीय आयुर्विज्ञान संस्थान अधिनियम 1956 (1956 का 25) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा श्री मोतीलाल, वोरा, केन्द्रीय स्वास्थ्य और परिवार कल्याण मंत्री को अखिल भारतीय आयुर्विज्ञान संस्थान, नई दिल्ली का अध्यक्ष मनोनीत करती है ।

[संख्या वी. 16011/2/88 एम. ई. (पी. जी.)]

आर. के. आहूजा, संयुक्त सचिव

New Delhi, the 4th October 1988

S.O. 3196.—In exercise of the powers conferred by sub-section (1) of Section 7 of the All India Institute of Medical Sciences Act, 1956 (25 of 1956), the Central Government hereby nominates Shri Motilal Vora, Union Minister of Health and Family Welfare to be the President of the All India Institute of Medical Sciences, New Delhi.

[No. V. 16011/2/88-ME(PG)]
R. K. AHOOJA, Jt. Secy.

जल-भूतल परिवहन मंत्रालय

नई दिल्ली, 5 अक्तूबर, 1988

का. आ. 3197.—केन्द्रीय सरकार, दीपघर अधिनियम, 1927 (1927 का 17) की धारा 2 के अनुच्छेद (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के प्रयोजन के लिए निम्नलिखित दीपघरों को सामान्य दीपघर घोषित करती है, अर्थात्:—

1 अंजनगो दीपघर
2. पैरादीप दीपघर

[सं. 1-डी-(6)/84-एस एफ. एस]
डी. डी. सूद, अवर सचिव

MINISTRY OF SURFACE TRANSPORT

New Delhi, the 5th October, 1988

S.O. 3197.—In exercise of the powers conferred by clause (c) of Section 2 of the Lighthouse Act, 1927 (17 of 1927), the Central Government hereby declares the following lighthouses to be general lighthouses for the purposes of the said Act, namely :—

(1) Anjengo Lighthouse,

(2) Paradip Lighthouse.

[No. 1-D(6)/84-SFS]
D. D. SOOD, Under Secy.

सांस्कृतिक विभाग

(भारतीय पुरातत्व सर्वेक्षण)

नई दिल्ली, 13 अक्तूबर, 1988

(पुरातत्व)

का. आ. 3198—केन्द्रीय सरकार ने प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) की अपेक्षानुसार, भारत सरकार के संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण) की एक अधिसूचना सं. का.आ. 910, तारीख 1 मार्च, 1988 द्वारा, जो भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 26 मार्च, 1988 में प्रकाशित की गई थी, उक्त अधिसूचना से अनुसूची में विनिर्दिष्ट प्राचीन स्थल को राष्ट्रीय महत्व का घोषित करने के अपने आशय की दो मास की सूचना दी थी और उस अधिसूचना की एक प्रति उक्त प्राचीन स्थल के समीप एक सहजदृश्य स्थान पर लगा दी गई थी ।

और उक्त राजपत्र जनता को 23 मार्च, 1988 को उपलब्ध करा दिया गया था ।

और केन्द्रीय सरकार को जनता से कोई आपेक्ष प्राप्त नहीं हुआ है ।

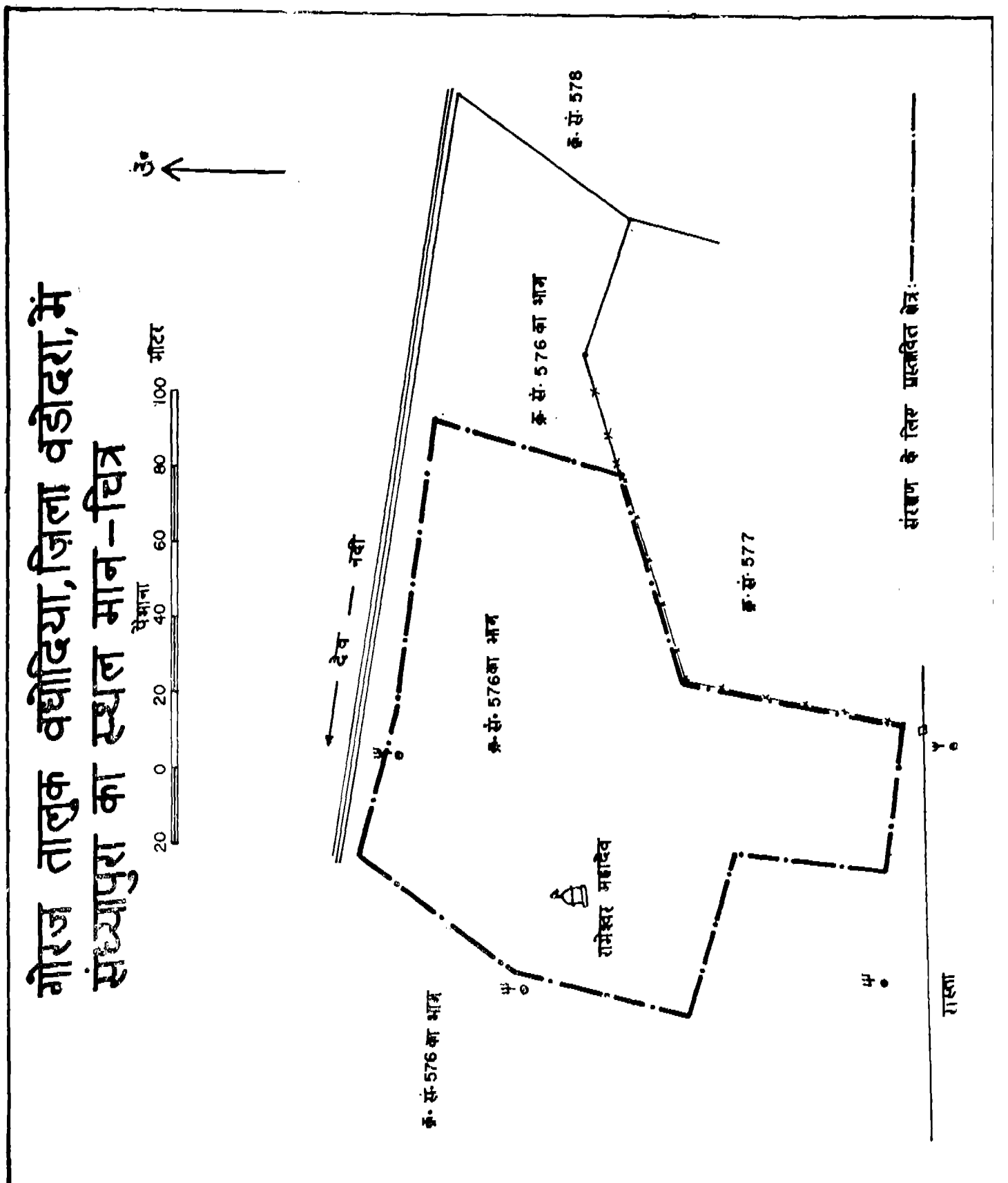
अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इससे उपाबद्ध अनुसूची में विनिर्दिष्ट प्राचीन स्थल को राष्ट्रीय महत्व का घोषित करती है ।

अनुसूची

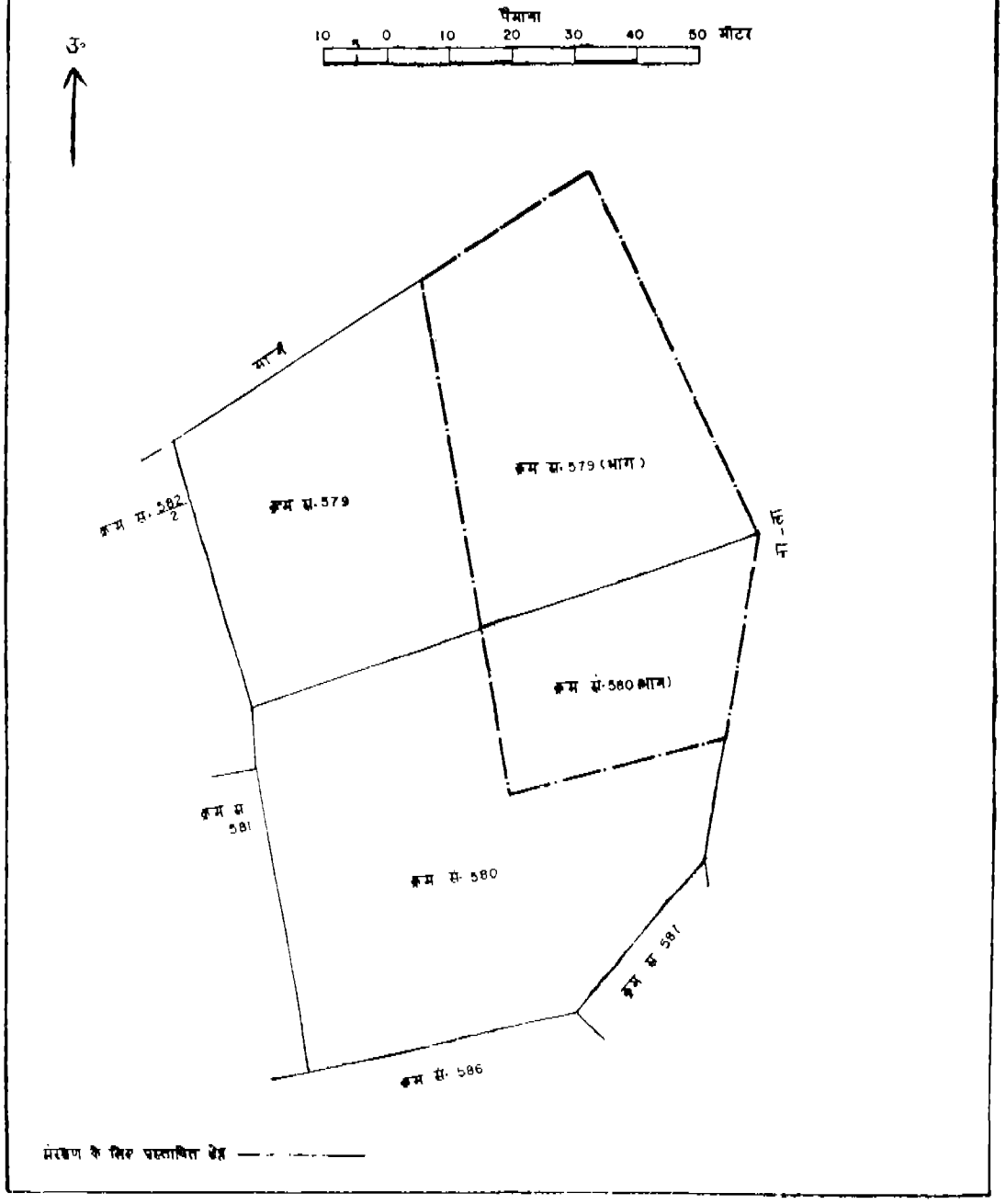
राज्य	जिला	परिक्षेत्र	स्थल का नाम	संरक्षण के अधीन क्षेत्रों का विवरण राजस्व प्लॉट संख्यांक
1	2	3	4	5
गुजरात	बडोदरा	गोरज ग्राम	(1) संखा पुरा के नाम से ज्ञात प्राचीन स्थल	नीचे उद्धृत स्थल रेखांक में दर्शाया सर्वेक्षण सं. 576 का भाग
			(ii) प्राचीनस्थल	नीचे उद्धृत स्थल रेखांक में दर्शाया सर्वेक्षण सं. 579 और 530 का भाग

क्षेत्रफल	सीमाएं	स्वामित्व	टिप्पणियां
6	7	8	9
1. 2924 हेक्टेयर	उत्तर – देव नदी पूरब – सर्वेक्षण सं. 576 और 5577 का भाग पश्चिम – सर्वेक्षण सं. 576 का भाग दक्षिण – सर्वेक्षण सं. 576 का भाग	ग्राम पंचायत	
2. 3584 हेक्टेयर	उत्तर – सड़क पूरब – नाला दक्षिण – सर्वेक्षण सं. 579 और 580 का भाग पश्चिम – सर्वेक्षण सं. 580 का भाग		

[सं० 2/22/83-एम


गोरज तालुक वघोदिया, ज़िला वडोदरा, में
संध्यापुरा का स्थल मान-चित्र
उ
पैमाना
20 0 20 40 60 80 100 मीटर
क्र. सं. 578
क्र. सं. 576 का भाग
रेल — नदी
क्र. सं. 576का भाग
क्र. सं. 577
संरक्षण के लिए प्रस्तावित क्षेत्र :——
रामेश्वर महादेव
क्र. सं. 576 का भाग
राखा

गोरज, तालुक वघोदिया, ज़िला वोडदरा, गुजरात में प्राचीन स्थल का स्थल मानचित्र



[सं. 2/22/83 - एम]

DEPARTMENT OF CULTURE

Archaeological Survey of India

New Delhi, the 12th October, 1988

(ARCHAEOLOGY)

S.O. 3198.—Whereas by a notification of the Government of India in the Department of Culture (Archaeological Survey of India) No. S. O. 930 dated the 1st March, 1988 published in Part II, Section 3, Sub-Section (ii) of the Gazette of India dated the 26th March, 1938, the Central Government gave two months' notice of the intention to declare the ancient sites specified in the Schedule to the said notification to be of national importance and a copy of the notification was affixed in a conspicous place near the said ancient sites as required by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958);

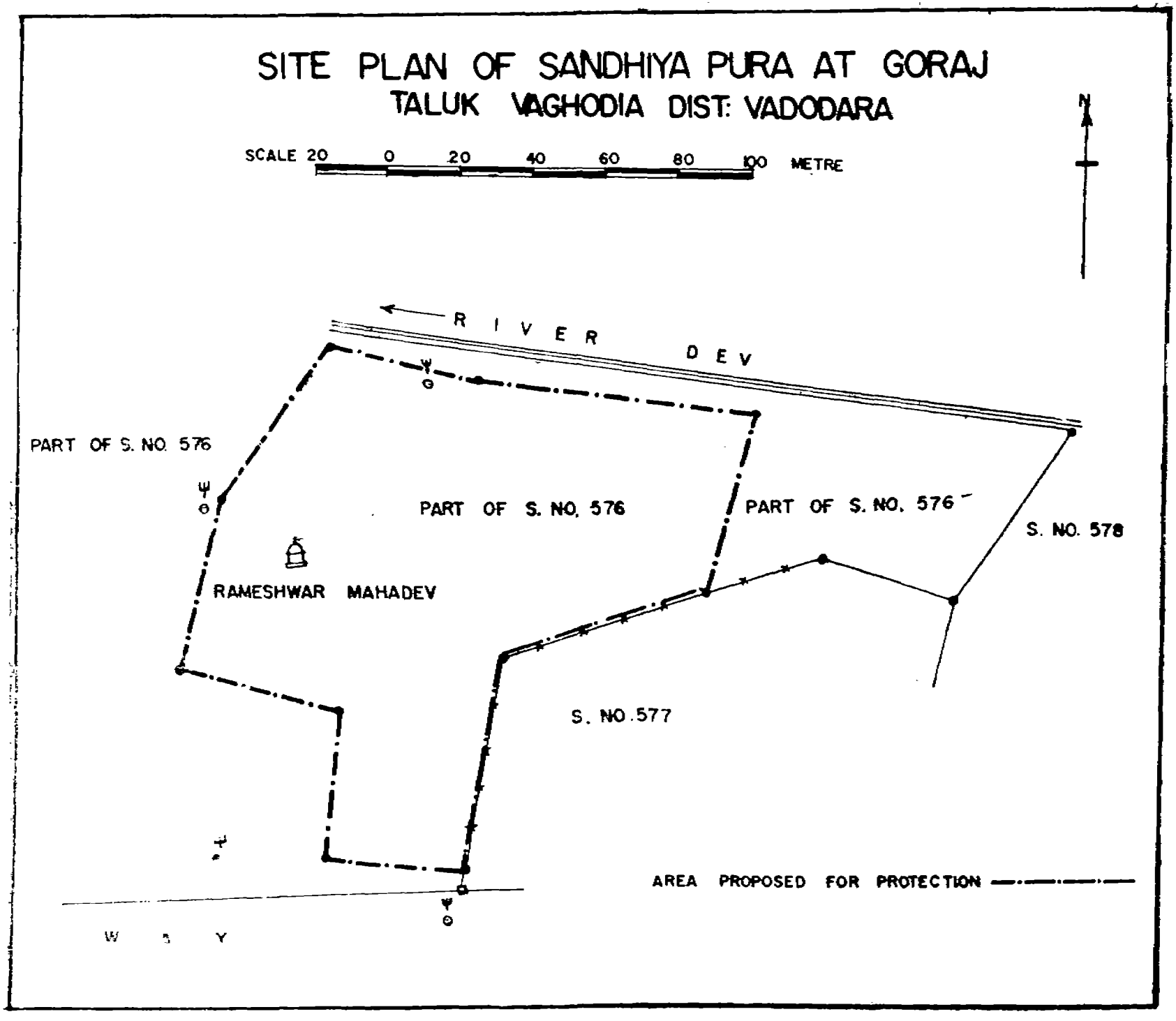
And whereas, the said Gazette was made available to the public on the 28th March, 1988;

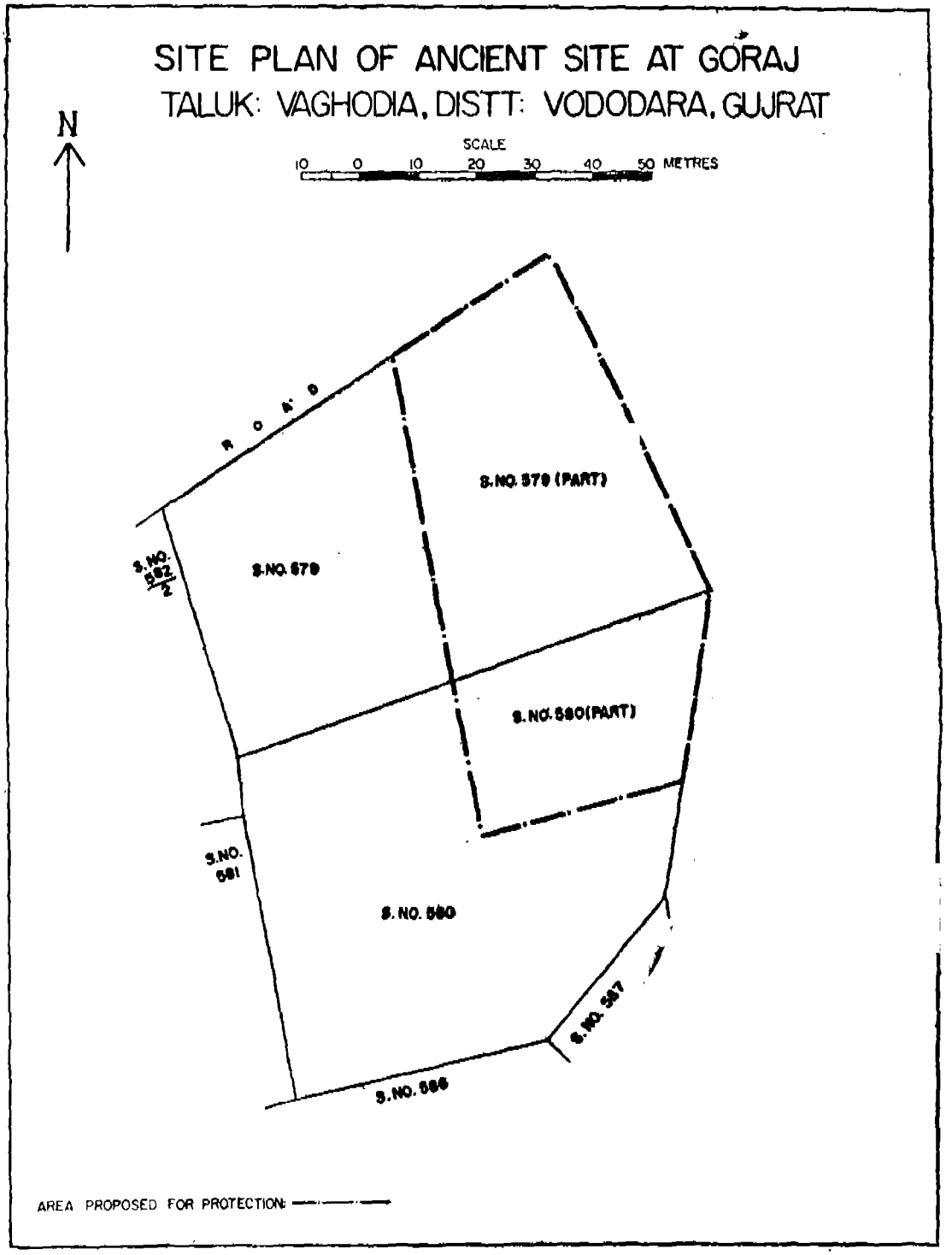
And whereas, no objection from the public has been received by the Central Government;

Now, therefore in exercise of the powers conferred by sub-section (3) of Section 4 of the said Act, the Central Government hereby declares the ancient sites specified in the Schedule annexed hereto to be of national importance.

SCHEDULE

State	District	Locality	Name of the site	Revenue plot numbers included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9
Gujarat	Vadodara	Village Goraj	(i) Ancient site known as Sandhiyapura.	Part of survey number 576 as shown in the site plan reproduced below	1.2924 hectares	North.—River Dev. East.—Part of survey numbers 576 and 577. West.—Part of survey number 576. South.—Part of survey number 576.	Village Panchayat	
			(ii) Ancient site.	Part of survey numbers 579 and 580 as shown in the site plan reproduced below.	0.3584 hectares.	North.—Road. East.—Nala. South.—Part of survey numbers 579 and 580. West.—Part of survey number 580.		


SITE PLAN OF SANDHIYA PURA AT GORAJ
TALUK VAGHODIA DIST: VADODARA
SCALE 20 0 20 40 60 80 100 METRE
N
RIVER DEV
PART OF S. NO. 576
PART OF S. NO. 576
PART OF S. NO. 576
S. NO. 578
RAMESHWAR MAHADEV
S. NO. 577
AREA PROPOSED FOR PROTECTION


SITE PLAN OF ANCIENT SITE AT GORAJ
TALUK: VAGHODIA, DISTT: VODODARA, GUJRAT
N
SCALE
10 0 10 20 30 40 50 METRES
R O A D
S.NO. 579 (PART)
S.NO. 579
S.NO. 582/2
S.NO. 580(PART)
S.NO. 581
S. NO. 580
S.NO. 587
S.NO. 586
AREA PROPOSED FOR PROTECTION

[No. 2/2 83 M]

का. आ. 3199.—केन्द्रीय सरकार ने, प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उप-धारा (1) की अपेक्षानुसार, भारत सरकार के संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण) की एक अधिसूचना सं. का. आ. 929, तारीख 1 मार्च, 1988 द्वारा, जो भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 26 मार्च, 1988 में प्रकाशित की गई थी, उक्त अधिसूचना की अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आशय की दो मास की सूचना दी थी और उस अधिसूचना की एक प्रति उक्त प्राचीन संस्मारक के समीप एक सहजदृश्य स्थान पर लगा दी गई थी ;

और उक्त राजपत्र जनता को 28 मार्च, 1988 को उपलब्ध करा दिया गया था ;

और केन्द्रीय सरकार ने जनता से प्राप्त आक्षेपों पर विचार कर लिया है ,

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इससे उपाबद्ध अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक को राष्ट्रीय महत्व का घोषित करती है।

अनुसूची

राज्य	जिला	परिक्षेत्र	स्थल का नाम	संरक्षण के अधीन सम्मिलित किए गए राजस्व प्लाट संख्यांक
1	2	3	4	5
त्रिपुरा	पश्चिम त्रिपुरा	वक्षनगर	वक्षनगर के प्राचीन अवशेष जो स्थानीय रूप से नाथवाड़ी के नाम से ज्ञात है।	सर्वेक्षण प्लाट नं. 2115, 2165, 2166, 2170, 2171 और 2172

क्षेत्र	सीमाएं	स्वामित्व	टिप्पणियां
6	7	8	9
4.84 एकड़	सर्वेक्षण प्लाट सं. 2116 जो सर्वेक्षण प्लाट सं. 2113, 2114, 2115, 2116, 2118, 2119, 2120, 2121, 2122, 2123, 2124 2125, 2126, 2127, 2130, 2131, 2132 2133 और 2134 द्वारा घिरा हुआ है। सर्वेक्षण प्लाट सं. 2165, 2166 2170, 2171 और 2172 जो सर्वेक्षण प्लाट सं. 2128, 2129, 2144, 2145, 2146, 2147, 2148 2152, 2153, 2154, 2164, 2169, 2173 2174, 2175, 2176, 2196 और 2482 द्वारा घिरे हुए हैं।	सर्वेक्षण प्लाट सं. 2170 सरकारी भूमि है और शेष प्राइवेट है।	

[सं. 2/17/87-एम]

S.O. 3199.—Whereas by a notification of the Government of India in the Department of Culture (Archaeological Survey of India) No. S. O. 929, dated the 1st March, 1988, published in the Gazette of India, Part II, Section 3, Sub-Section (ii) dated the 26th March, 1988, the Central Government gave two month's notice of its intention to declare the ancient remains specified in the Schedule to the said notification to be of national importance and a copy of the said notification was affixed in a conspicuous place near the said ancient remains as required by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958);

And whereas, the said Gazette was made available to the publish on the 28th March, 1958;

And whereas the objections received from the public have been considered by the Central Government,

Now, therefore in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, the Central Government hereby declared the ancient remains specified in the Schedule annexed hereto to be of national importance.

SCHEDULE

State	District	Locality	Name of site	Revenue plot numbers included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9
Tripura	West Tripura	Bakshanagar	Ancient remains at Bakshanagar locally known as Nath Badi.	Survey plot numbers 2116, 2165, 2166, 2170, 2171 and 2172.	4.84 acres	Survey plot number 2116 bounded by survey plot numbers 2113, 2114, 2115, 2117, 2118, 2118, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2130, 2131, 2132, 2133, and 2134; survey plot numbers 2165, 2166, 2170, 2171 and 2172 bounded by survey plot numbers 2128, 2129, 2144, 2145, 2146, 2147, 2148, 2152, 2153, 2154, 2164, 2169, 2173, 2174, 2175, 2176, 2196 and 2482.	Survey plot number 2170 is Government land and the rest private	

[No. 2/17/87-M]

का. आ. 3200.—केन्द्रीय सरकार की यह राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक राष्ट्रीय महत्व का है,

अतः अब, केन्द्रीय सरकार, प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त प्राचीन संस्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आशय की सूचना देती है,

ऐसे आक्षेप पर, जो राजपत्र में इस अधिसूचना के जारी करने की तारीख से दो मास की अवधि के भीतर उक्त प्राचीन संस्मारक में हितबद्ध किसी व्यक्ति से प्राप्त होगा, केन्द्रीय सरकार विचार करेगी।

अनुसूची

राज्य	जिला	परिक्षेत्र	संस्मारक का नाम	संरक्षण के अधीन सम्मिलित किए जाने वाले राजस्व प्लाट संख्यांक
1	2	3	4	5
हिमाचल प्रदेश	लाहौल और स्पिति	स्पिति	फु गुम्फा बौद्ध मठ	खसरा प्लाट सं. 374/1

क्षेत्र	सीमाएं	स्वामित्व	टिप्पणियां
6	7	8	9
150 वर्गमीटर	सर्वेक्षण प्लाट सं 374/1 के चारों ओर असर्वेक्षित पहाड़	हिमाचल प्रदेश सरकार	—

[सं. 2/16/78-एम]

भगवती जोशी, महानिदेशक

S.O. 3200.—Whereas the Central Government is of the opinion that the ancient monument specified in the Schedule annexed hereto is of national importance;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said ancient monument to be of national importance.

Any objection which may be received within a period of two months from the date of issue of this notification in the Official Gazette from any person interested in the said ancient monument will be taken into consideration by the Central Government.

SCHEDULE

State	District	Locality	Name of monument	Revenue plot numbers to be included under protection	Area	Boundaries	Ownership	Remark
1	2	3	4	5	6	7	8	9
Himachal Pradesh	Lahaul and Spiti	Spiti	Phoo Gumphi Buddhist Monastery	Khasra plot number 374/1	150 square meters	Unserveyed hill all around survey plot No. 374/1.	Himachal Pradesh Government	

[No. 2/16/78-M]

JAGAT PATI JOSHI, Director General

संचार मंत्रालय

(दूरसंचार विभाग)

नई दिल्ली, 6 अक्तूबर, 1988

का. आ. 3201.—स्थायी आदेश संख्या 627 दिनांक 8 मार्च, 1960 द्वारा जारी किए गए भारतीय तार नियम 1951 के नियम 434 के खंड III के पैरा 1(क) के अनुसार महानिदेशक, दूरसंचार विभाग ने ओबरा टेलीफोन केन्द्र, उत्तर प्रदेश दूरसंचार सर्किल, में दिनांक 15-10-1988 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-14/87—पी एच बी]

पी. आर. कारड़ा, सहायक महानिदेशक

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

New Delhi, the 6th October, 1988

S.O. 3201.—In pursuance of para 1(a) of Section III of Rule 434 of India Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Department of Telecommunications, hereby specifies 15-10-1988 as the date on which the Measured Rate System will be introduced in OBRA telephone exchange under U. P. Telecom. Circle.

[No. 5-14/87-PHB]

P. R. KARRA, Assistant Director General (PHB)

श्रम मंत्रालय

नई दिल्ली 5 अक्तूबर 1988

का. आ. 3202.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उत्प्रवास संरक्षी कार्यालय दिल्ली में श्री मंगल सेन टांगरी, अवर सचिव, श्रम मंत्रालय को दिनांक 5 अक्तूबर, 1988 को उत्प्रवास संरक्षी दिल्ली के सभी कार्य करने के लिए प्राधिकृत करती है।

[सं. ए-22012(1)/86—उत्प्र.-2]

MINISTRY OF LABOUR

New Delhi, the 5th October, 1988

S.O. 3202.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Shri M. S. Tangry, Under Secretary in the Ministry of Labour, to perform all functions of Protector of Emigrants, Delhi on 5-10-88.

[No. A-22011(1)/86-Emig. II]

नई दिल्ली, 6 अक्तूबर, 1988

का. आ. 3203.—उत्प्रवास अधिनियम 1983 (1983 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उत्प्रवास संरक्षी कार्यालय, दिल्ली में श्री मंगल सेन टांगरी अवर सचिव, श्रम मंत्रालय को दिनांक 6 अक्तूबर, 1988 को उत्प्रवास संरक्षी दिल्ली के सभी कार्य करने के लिए प्राधिकृत करती है।

[सं. ए-22012(1)86—उत्प्र.-2]

New Delhi, the 6th October, 1988

S.O. 3203.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Shri M. S. Tangry, Under Secretary in the Ministry of Labour, to perform all functions of Protector of Emigrants, Delhi on 6-10-88.

[No. A-22012(1)/86-Emig. II]

नई दिल्ली, 10 अक्तूबर 1988

का. आ. 3204.—उत्प्रवास अधिनियम 1983 (1983 का 31) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उत्प्रवास संरक्षी कार्यालय दिल्ली में अवर सचिव श्री राम कानुगा को दिनांक 10 अक्तूबर 1988 से अगला आदेश होने तक उत्प्रवास संरक्षी दिल्ली के रूप में नियुक्त करती है।

[सं. ए-22012(1)/86—उत्प्र.-2]

अश्विनी कुमार लूथरा, निदेशक

New Delhi, the 10th October, 1988

S.O. 3204.—In exercise of the powers conferred by Section 3, sub-section (1) of the Emigration Act, 1983 (31 of 1983), the Central Government hereby appoints Shri Ram Kanuga, Under Secretary in the Ministry of Labour, to perform all functions of Protector of Emigrants Delhi from 10-10-88 till further order.

[No. A-22012(1)/86-Emig. II]

A. K. LUTHRA, Director.

नई दिल्ली, 6 अक्तूबर, 1988

का.आ. 3205—जम्मू एवं कश्मीर राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (घ) के अनुसरण में श्री आर.एल.धर के स्थान पर श्री एस. के. महाजन, श्रम आयुक्त को कर्मचारी राज्य बीमा निगम में उस राज्य का प्रतिनिधित्व करने के लिए नामनिर्दिष्ट किया है;

अतः, अब केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 545(अ) दिनांक 25 जुलाई, 1985 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, "(राज्य सरकार द्वारा धारा 4 के खण्ड (घ) के अधीन नामनिर्दिष्ट)" शीर्षक के नीचे मद् 14 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

श्री एस.के. महाजन,
श्रम आयुक्त,
जम्मू एवं कश्मीर सरकार,
श्रीनगर।

[संख्या यू-16012/11/88-एसएस-1]

New Delhi, the 6th October, 1988

S.O. 3205.—Whereas the State Government of Jammu and Kashmir has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri S. K. Mahajan, Labour Commissioner to represent that State on the Employees' State Insurance Corporation, in place of Shri R. L. Dhar;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour S.O. No. 545(E), dated the 25th July, 1985, namely :—

In the said notification, under the heading "(Nominated by the State Government under clause (d) of section 4)", for the entry against Serial Number 14, the following entry shall be substituted, namely :—

Sh. S. K. Mahajan,
Labour Commissioner,
Govt. of Jammu & Kashmir,
Srinagar.

[No. U-16012/11/88-SS.I]

नई दिल्ली 12 अक्तूबर 1988

का.आ. 3206—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा 16-10-88 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 (धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध तमिलनाडु राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात् :—

"जिला और तालुक तीरुचीरापल्ली के राजस्व ग्राम 31/1, के. साथानूर (उत्तर) 31/2, के. साथानूर (दक्षिण) (साथानूर) के अन्तर्गत आने वाले क्षेत्र"।

[सं. एस-38013/33/88-एस एस-1]
ए.के. भट्टराई, अवर सचिव

New Delhi, the 12th October, 1988

S.O. 3206.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurnce Act, 1948 (34 of 1948), the Central Government hereby appoints the 16th October, 1988 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu namely :

"Area comprising the revenue villages of 31/1 K. Sathanur (North), 31/2, K. Sathanur (South)-(Sathanur) in Taluk and district Tiruchirapalli."

[No. S-38013/33/88-SS.II]
A. K. BHATTARAI, Under Secy.

नई दिल्ली, 7 अक्तूबर, 1988

का.आ. 3207—बीड़ी कर्मकार कल्याण निधि नियम, 1978 के नियम 3 के उपनियम (2) के साथ पठित बीड़ी कर्मकार कल्याण निधि अधिनियम, 1976 (1976 का 62) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निम्नलिखित व्यक्तियों को तमिलनाडु राज्य की बीड़ी कर्मकार कल्याण निधि सलाहकार समिति के सदस्य नियुक्त करती है, अर्थात् :—

1. आयुक्त एवं सचिव,
तमिलनाडु सरकार, श्रम विभाग, मद्रास।
2. हाजी टी.ई.एस. फातु रब्बानी,
तिरुनेलवेली डिस्ट्रीक्ट बीड़ी मैन्यूफैक्चरर्स एसोसिएशन,
तिरुनेलवेली।
3. थिरू एस. रब्बी राजन, प्रेजीडेन्ट,
डिस्ट्रिक्ट अन्ना बीड़ी थोजीलालाट संगम,
तिरुनेलवेली।
4. श्रीमती बी. देसाई माणिकानन,
जनरल सेक्रेटरी,
सार्थ आर्कोट डिस्ट्रिक्ट नेशनल बीड़ी वर्कर्स फेडरेशन, (इंटक)
वेल्लोर।

और भारत के राजपत्र, भाग-II, खण्ड 3, उपखण्ड (ii) में तारीख 10 नवम्बर, 1984 को प्रकाशित भारत सरकार के श्रम मंत्रालय की तारीख 23 अक्तूबर, 1984 की अधिसूचना संख्या का.आ. 3582 में संशोधन करती है ;

उक्त अधिसूचना में,—

(क) क्रमांक 1, 4, 6 तथा 7 तथा उनसे संबंधित प्रविष्टियों के लिए क्रमशः निम्नलिखित प्रतिस्थापित किए जाएंगे, अर्थात् :—

"1. आयुक्त एवं सचिव —अध्यक्ष
तमिलनाडु सरकार,
श्रम विभाग, मद्रास।

4. हाजी टी.ई.एस. फातु रब्बानी, —नियोक्ता प्रतिनिधि
तिरुनेलवली डिस्ट्रिक्ट बीड़ी मन्यूफैक्चरर्स एसोसिएशन,
तिरुनेलवेली।

6. थिरू एस. सम्बीराजन,
प्रेजीडेन्ट,
डिस्ट्रिक्ट अन्ना बीड़ी थोजीलालार संगम, तिरुनेलवेली। —कर्मचारी प्रतिनिधि

7. श्रीमती बी. देसाई मणि कानन,
जनरल सेक्रेटरी,

नार्थ आर्काट डिस्ट्रिक्ट नेशनल बीड़ी
वर्कर्स फेडरेशन, (इंटक)
वेल्लोर ।

(ख) क्रमांक 8 तथा 9 पर की गई प्रविष्टियों का लोप कर दिया जाएगा ।

[सं. य-19012/2/87-कल्याण-2 (सी)]

एन.आर.एस. मणि, अवर सचिव

New Delhi, the 7th October, 1988

S.O.3207.—In exercise of the powers conferred by section 5 of the Beedi Workes Welfare Fund Act, 1976 (62 of 1976) read with sub-rule (2) of rule 3 of the Beedi Workers Welfare Fund Rules, 1978, the Central Government hereby appoints the following persons, as members of the Advisory Committee for Beedi Workers Welfare Fund for the State of Tamil Nadu, namely :-

1. Commissioner and Secretary to the Government of Tamil Nadu, Labour Department, Madras.

2. Haji T.E.S. Fathu Rabbani,
Tirunelveli District Beedi Manufacturers Association,
Tirunelveli.

3. Thiru S. Nambirajan,
President,
District Anna Beedi Thozhilalar Sangam,
Tirunelveli.

4. Smt. V. Desia Mani Kannan,
General Secretary,
North Arcot District National Beedi Workers' Federation (INTUC),
Vellore,

and hereby amends the notification of the Government of India in the Ministry of Labour No. S.O. 3582 dated the 23rd October, 1984, published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 10th November, 1984;

In the said notification,—

(a) for Serial Nos. 1, 4, 6 and 7 and the entries relating thereto, the following shall respectively be substituted, namely

"1. Commissioner and Secretary to the Government of Tamil Nadu, Labour Department, Madras. — Chairman

4. Haji T.E.S. Fathu Rabbani, Tirunelveli District Beedi Manufacturers, Association, Tirunelveli. — Employers' Representative

6. Thiru S. Nambirajan, President, District Anna Beedi Thozhilalar Sangam, Tirunelveli.
7. Tmt. V. Desia Mani Kannan, General Secretary, North Arcot District National Beedi Workers' Federation (INTUC), Vellore, — Employees Representatives."

(b) against Serial Nos. 8 and 9, the existing entries shall be omitted.

[No. U-19012/2/87-W.II(C)]
N.R.S. Mani, Under Secy.

नई दिल्ली, 10 अक्तूबर, 1988

का.आ. 3208.—केन्द्रीय सरकार ने यह समाधान हो जाने पर, कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (न) के उपखण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना सं. का.आ. 1292 दिनांक 5 अप्रैल, 1988 द्वारा यूरेनियम उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 20 अप्रैल, 1988 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (न) के उपखण्ड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 20 अक्तूबर, 1988 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[फा.सं. एस-11017/10/85-डी-1 (ए)]
नन्द लाल, अवर सचिव

New Delhi, the 10th October, 1988

S.O. 3208.—Whereas the Central Government having been satisfied that the public interest so required had in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India, in the Ministry of Labour S.O. No. 1292, dated the 5th April, 1988 the Uranium Industry to be a public utility service for the purposes of the said Act, for a period of six months, from the 20th April, 1988 ;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 20th October, 1988.

[No. S-11017/10/85-D.I(A)]
NAND LAL, Under Secy.

नई दिल्ली, 10 अक्तूबर, 1988

का.आ. 3209.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लिमिटेड का मुडिडीह कोलियरी के प्रबन्धतंत्र से सम्बद्ध और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (संख्या 2), धनबाद के पंचाट को प्रकाशित करती है ।

New Delhi, the 10th October, 1988

S.O. 3209.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2) Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the Madidih Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 149 of 1986

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Mudidih Colliery of Messrs. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen : Shri S. N. Goswami, Advocate.

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Bihar. INDUSTRY : Coal.

Dhanbad, the 14th September, 1988

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (325)/85-D.III(A), dated, the 20th March, 1986

SCHEDULE

"Whether the action of the management of Mudidih Colliery of M/s. Bharat Coking Coal Limited, P.O. Sijua, Distt. Dhanbad in superannuating Smt. Amolin Bilaspurin, Crusher Loader with effect from 31st March, 1985 is justified ? If not, to what relief is the workman concerned is entitled ?"

The case of the workmen is that the concerned workman Smt. Amolin Bilaspurin was a permanent employee engaged as Crusher Loader in Mudidih colliery. Her date of birth was recorded in Form B Register as 31-3-1935 and accordingly identity card was issued to her mentioning her date of birth as 31-3-1935. A manipulation was made in Form B Register by the management and thereby her date of birth was mentioned as 31-3-1925 in place of 31-3-1935. On the basis of the said manipulation of date of birth of the concerned workman as 31-3-1925, she has been superannuated with effect from 31-3-1985. The concerned workman and the union represented several times verbally and in writing represented regarding the premature superannuation of the concerned workman but the management did not consider their representations. Thereafter the union of the workmen raised an industrial dispute before the ALC(C), Dhanbad and started conciliation proceeding. On failure of conciliation the Conciliation Officer sent a failure report whereupon the present reference has been made to this Tribunal. The action of the management in superannuating the concerned workman with effect from 31-3-1985 is not justified and she should have been superannuated with effect from 31-3-1995. Accordingly it has been prayed that the concerned workman be reinstated to her original job with back wages.

The case of the management is that the concerned lady Amolin Bilaspurin completed 60 years of age on 31-3-85 and accordingly she was superannuated from that date. As per circular of the management duly accepted by all the unions a workman is superannuated on attaining the age of 60 years. The date of birth of the concerned lady was 31-3-1925 as per the records of the management duly verified by clinical medical test. She has wrongly claimed that her date of birth was 31-3-1925. She has raised the present dispute after her superannuation. The manipulation by management in the age of the concerned workman as alleged by the concerned lady is incorrect. The management denies that they had manipulated Form B Register and changed her date of birth from 31-3-1935 to 31-3-1925. The management had acted according to the norms laid down by IBCCI and there was no variation in the age recorded in the documents and as such the concerned lady was superannuated on 31-3-1985. The age of the concerned lady was properly determined by the medical officer. The management had acted bonafidely in superannuating her on attaining the age of 60 years. On the above facts it is submtited on behalf of the management that the claim of the concerned lady has no basis and that the concerned lady is not entitled to any relief.

The only point for consideration in this case is whether the concerned lady has been correctly superannuation with effect from 31-2-85. In other words it has to be held whether her date of birth recorded in the management's record was 31-3-1925 or it was 31-3-1935.

The workmen examined two witnesses in support of their case. The management did not examine any witness. But filed documents which are marked Ext. M-1 to M-3. The documents of the workmen have been marked Ext. W-1 to W-3/1.

Admittedly the concerned lady has been superannuated with effect from 31-3-85. It is also admitted that the age of superannuation of a workman is 60 years. Ext. M-1 is the letter dated 27/28-2-85 addressed to the concerned lady under signature of the Superintendent of Mudidih colliery. It is stated that as she will attain the age of 60 years on 31-3-85 her services will be terminated on account of retirement on 31-3-85. The letter of superannuation has not been filed in this case but as it is admitted that the concerned lady was superannuated with effect from 31-3-85, there was no need to establish the said fact by producing the copy of the said order. The only question which we have to consider is whether her date of birth was 31-3-25 as asserted by the management or whether her date of birth was 31-3-35 as asserted by the concerned lady. WW-1 is the concerned lady Amolia Bilaspuria. She has stated that she is working in Mudidih Colliery as Crusher Loader since 1973 and that she had stated the year of her birth as 1935 in Form B Register at the time of her appointment. She has stated that the management had written her age as 1925 in Form B Register instead of 1935. Thus it is admitted position which emerges from her evidence that the year of birth of the concerned lady was recorded as 1925 in the Form B Register and not 1935. She has further stated that in her identity card the year of her birth has been shown as 1935. She has filed the identity card which is marked Ext. W-1 in this case. On perusal of Ext. W-1 which is the photostay copy her identity card it will appear that 31-3-35 is noted as her date of birth. She has not filed the original identity card which was issued to her. It will appear from her cross-examination that she had the identity card with her prior to the superannuation. She has denied that in her identity card also the year of her birth was recorded as 1925 and that 1935 has been written in it after erasing the former year of bith written in it She has stated that she was submitted her identity card prior to her retirement. Admittedly she retired on 31-3-85. In her further cross-examination she had stated that she had taken photo copy of the identity card in 1985. If the concerned lady had submitted her identity card one year prior to her retirement she could not have taken the photo copy of the identity card in 1985 as one year prior to her retirement will be 1984. The concerned lady has not filed any paper to show that she had in fact submitted her identity card with the management one year prior to her retirement. It is clear, therefore that the concerned lady had her identity card with her in 1985 from which she obtained photostat copy and now she is not producing the original identity card and has produced the photostat copy. The reasons are obvious. On perusal of Ex. W-1 it will appear clear that the writing in Ext. W-1 other than the writing in column "date of birth" are written by one pen in similar handwriting but "31-3-35 written in the date of birth in Ext. W-1 appears to be entirely in a different pen and deep ink connecting impression of overwriting. In my opinion such overwritten dobutful documents cannot be given credence so as to put reliance without any supporting document.

WW-2 Shri K. B. Sahay is the General Secretary of Colliery Shramik Sangh who had sponsored the present industrial dispute. He has stated that he had sent letters dated 9-3-85 and 21-3-85 to the Manager Superintendent, Mudidih colliery and the General Manager, Sijua Area office copy of which have been filed and marked Ext. W-3 and W-3/1 respectively. These letters are of no evidential value

to establish the date of birth of the concerned lady as alleged by the union. WW-2 has further stated that he had seen Form B Register and identity card register in respect of the concerned lady in which 31-3-1935 was noted as her date of birth and according to the said date of birth she has to be superannuated on 31-3-1995. He has further stated that he had again looked into the identity card register of the concerned lady in which he found the year of her birht which was previously noted as 1935 overwritten to make it 1925. In cross-examination he has stated that he cannot say the writing which was made in Sl. No. 302 of the identity card register Ext. M-2. He has stated that he had seen the original identity card register of the concerned workman about 3 to 4 months prior to her superannuation and he had again subsequently seen the original identity card register 2 or 3 days after the concerned workman received the letter of her superannuation. He has stated in the cross-examination that he had written in his representation before the management regarding the fact that the date of birth of the concerned workman was changed from the year 1935 to 1925 and that he had seen the original identity card register showing the date of birth as 31-1-1935. The representations filed by WW 2 does not show that he had stated in these representations that the had seen the original identity card register showing the date of birth as 31-1-1935 or 31-3-1935. Ext. M-2 is the photo copy of the identity card register. Sl. No. 302 shows that the identity card No. of the concerned lady was C/6886 and her date of birth has clearly mentioned in it as 31-3-1925. The last column against the said entry bears the L.T.I. and the photo of the concerned lady. There is no ambiguity or overwriting in the date of birth of the concerned lady as 31-3-1925 in the identity card register and it appears that the facts stated by WW-2 is not correct. There is absolutely no overwritin gin Ext. M-2.

The management has filed the age verification report Ext. M-3. Page 6 of the said age verification report at Sl. No. 15 is in respect of the concerned lady in which her age is stated to be 50 years in 1975. Thus even this document Ext. M-3 supports the case of the management that she was superannuated in 1985 when she had completed 60 years of her age. Identity card is prepared on the basis of the particulars mentioned in the identity card register . The concerned lady WW-1 has stated in her cross-examination that Ext. M-2 contains her photograph and in the identity card Ext. W-1) also the same photo is pasted as the photo in Ext. M-2. If her age was mentioned as 31-3-25 in the identity card Register Ext. M-2 same entries have to be carried in the identity card. As I have alread y observed above that there was no interpolation in Ext. M-2, the identity card issued to the concerned lady must also contain her date of birth as 31-3-25. This fact also supports the contention that the writing in different ink regarding the date of birth of the concerned lady in Ext. W-1 was not in accordance with the date of birth recorded in the identity card register and that the writing clearly shows that 31-3-35 has been manipulated for the purpose of establishing the false case of the workmen and the original identity card has not been filed as the ink used in writing the date of birth in Ext. W-1 might be different from the ink of the other writing in Ext. W-1.

On consideration of the above facts, evidence and circumstances, I hold that the date of birth of the concerned lady as recorded in the record of the management was 31-3-1925 and that there was no entry in the records of the management to show that the concerned lady was worn on 31-3-1935. Accordingly I hold that the date of birth of the concerned lady was 31-3-1925 and she has been rightly superannuated with effect from 31-3-85 on her attaining the age of her superannuation.

In the result, I hold that the action of the management of Mudidih colliery of M/s B.C.C.L. in superannuating the concerned lady Smt. Amolia Bilaspuria with effect from 31-3-85 is justified and consequently the concerned lady is satisfied to no relief.

This is my Award.

I. N. SINHA, Presiding Officer.

[No. L-20012/325/85-D III (A)/D.V (A)]

का आ. 3210.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. भारत कोकिंग कोल लि. का भटडीह कोलियरी के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या 1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-9-88 को प्राप्त हुआ था।

S.O. 3210.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the Bhatdeeh Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 27th September, 1988

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 37 of 1988

PARTIES :

Employers in relation to the Management of Bhatdee Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

APPEARANCES :

For the Employers : Shri B. N. Prasad, Advocate.

For the Workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar. INDUSTRY : Coal.

Dated, the 22nd September, 1988

AWARD

The present reference arises out of Order No. L-20012/227/87-D. 3(A), dated, the 15th March, 1988 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :—

"Whether the demand of Bihar Colliery Kamgar Union, P.O. Ram Nagargarh, Distt. Dhanbad to restore the original date of birth of Shri P. K. Choubey, Electrician, Bhatdee Colliery of M/s. B.C.C. Ltd., P. O. Mohuda (Dhanbad) as recorded in Form 'B' Register/Identity Card register of the Colliery as 22-8-1935 justified ? If so, to what relief the workman is entitled ?"

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under Section 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer.

[No. L-20012/227/87/D III (A) D. IV(A)]

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1

DHANBAD

Reference No. 37/88

PARTIES :

Employer in relation to the Management of Bhatdee Colliery of M/s. B.C.C. Ltd.

AND

Their Workman

JOINT COMPROMISE PETITION OF EMPLOYERS AND WORKMAN

The above mentioned Employers and the Workman most respectfully beg to submit jointly as under :—

(1) That the matter covered by the aforesaid reference has been jointly discussed and negotiated between the management and workman with a view to arriving at a mutually acceptable settlement in an amicable manner ;

(2) That as a result of such negotiation the Parties have agreed to settle the dispute on the following terms and conditions ;

(a) It is agreed that the workman namely Prabhat Choubey will be allowed to resume his duty on 15-9-1988 and his date of birth mentioned in the Admit Card of Matriculation is accepted as authentic.

(b) It is further agreed that the period of his idleness from the date of Superannuation to the date of resumption of his duty will be treated as dies non i.e. no work no pay.

(3) That the employers and the workman hereby confirm and declare that the aforesaid agreement is just, fair and reasonable to both the parties.

In view of the above submission the employers and the workman jointly pray the Hon'ble Tribunal may be pleased to accept this joint compromise petition and dispose of the reference accordingly by giving an Award in terms thereof.

1. Office Bearer of the Union.

2. Workman concerned.

Witness :—1.

2.

For and on behalf of the Employers.

Advocate for the Workman.

Advocate for the Employer.

Part of the Award.

Dated : 21-9-1988.

का.आ. 3211.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. भारत कोकिंग कोल लिमिटेड का ब्लाक 2 क्षेत्र का केसुगढ़ कोलियरी के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-9-88 को प्राप्त हुआ था ।

S.O. 3211.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Kesurgarh Colliery of Block II Area of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 26th September, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 177 of 1985

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Kessurgarh Colliery of Block II Area of M/s. BCCL and their workmen.

APPEARANCES :

On behalf of the employers—Shri B. Joshi, Advocate.

On behalf of the workmen—None.

STATE : Bihar. INDUSTRY : Coal.

Dhanbad, the 19th September, 1988

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(81)/85-D.IV(B). dated, the 21st December, 1985.

SCHEDULE

"Whether the action of the Management of Kassurgarh Colliery of Block II Area of M/s. BCCL, P.O. Nudkhurbee, District Dhanbad in dismissing Shri Balo Singh. Driver from service is justified ? If not, to what relief the workman is entitled ?"

The case of the workman is that the concerned workman Shri Balo Singh was a permanent heavy vehicle driver in Kessurgarh Colliery of Barora Block No. II area of M/s. BCCL. He has got his paternal house both in village Dumra, P.O. Nawagarh, District Dhanbad (Bihar) as well as in Alipurduar Municipal area, P.O. Alipurduar, District Jalpaiguri, West Bengal. The Coal India Ltd. of which M/s. BCCL is one of the subsidiary issued a circular dated 1st September, 1981 through its General Manager (Personnel and Administration) from its Calcutta Office invited applications for different posts in their coal dump all over India two of which are located in Alipurduar and Siliguri in West Bengal. In response to the said circular the concerned workman applied vide his petition dated 3rd September, 1982 for his posting either at Alipurduar or Siliguri. He had submitted the said application through proper channel and the Manager and the Superintendent respectively forwarded the said application to higher authorities for necessary action. The concerned workman all of a sudden received a charge-sheet dated 23rd September, 1982 under signature of the Agent, Kassurgarh Colliery stating therein that the concerned workman in his petition has mentioned incorrect home address and has also forged the signature of the Agent. The concerned workman submitted his explanation to the chargesheet denying the charges justifying his stand. The management with a predetermined attitude staged an empty formality of departmental enquiry by their own chosen person and as expected the concerned workman was dismissed from service by letter dated 26th/29th October, 1983. The concerned workman and his union made written representation before the management of M/s. BCCL against the said arbitrary and illegal dismissal but the management did not give any reply to the same. Thereafter the union of the workman represented the matter before the ALC(C), Dhanbad who took up the matter in conciliation proceeding. The conciliation ended in failure and thereafter the present reference was made to this Tribunal for adjudication. The action of the management in dismissing the concerned workman is illegal, arbitrary and without jurisdiction as none of the two charges made against him were correct and was established. On the above facts it has been prayed on behalf of the workman that it may be

held that the action of the management of Kassurgarh Colliery of M/s. BCCL in dismissing the concerned workman from his service is not justified and that he should be reinstated in his job with full back wages and allowances with consequential benefits.

The case of the management is that the concerned workman committed serious misconduct of dishonesty by declaring false address and forging the signature of the Agent in his application for transfer. The concerned workman had given his permanent home address as village Dumra, P.O. Nawagarh, District Dhanbad at the time of his employment as Driver. The said permanent home address was entered in Form B Register. The concerned workman in his application dated 3rd September, 1982 mentioned that his native place is near Alipurduar and he wanted to be transferred to the Coal depot at Alipurduar or Siliguri. The said application contained the purported recommendation and signature of the Agent although the Agent had not recommended and had not put his signature on his application. It is a fact that the concerned workman had applied for his transfer to Coal depot at Alipurduar or Siliguri. When he learnt that his application would not be forwarded or recommended because of shortage of heavy vehicle driver at that time in Kessurgarh Colliery, he forged the signature of the Agent on his application purported to have recommended his case and submitted the application to the General Manager. The concerned workman had filed the said application and wanted that he should be transferred to Alipurduar or Siliguri by any means. The said application remained under the possession of the concerned workman and as such the concerned workman had either himself or through any other person on his request forged the recommendation and signature of the Agent on the application. A chargesheet dated 23rd September, 1982 was issued to the concerned workman alleging commission of misconduct under Section 27 sub-section 2 of the Standing Orders of the company. The concerned workman submitted his reply to the chargesheet denying the allegations. A departmental enquiry was conducted into the above chargesheet by Shri C. P. Singh, Sr. P.O. of Kessurgarh Colliery in accordance with the principles of natural justice. The enquiry was conducted in presence of the concerned workman and he was given full opportunity to cross-examine the management's witnesses and produce his defence witness. He was also given opportunity to take the assistance of co-worker and to give his own statement. The charges levelled against the concerned workman were fully established and the enquiry officer gave his finding on the basis of the materials on the record. The matter was examined at various levels and approval for his dismissal was obtained from competent authority. Thereafter the concerned workman was dismissed from his service by letter dated 29th Octobr, 1983 under the signature of the Agent of the colliery. On the above facts it has been submitted on behalf of the management that the action taken by them in dismissing the concerned workman from his service is legal, bona fide and justified.

As the concerned workman Shri Balo Singh was dismissed from service after framing charge against him in a domestic enquiry, the management prayed that it may first be decided as a preliminary issue whether the enquiry held against the concerned workman was fair, proper and in accordance with the principles of natural justice. Accordingly the said issue was first heard and the parties were given opportunity to adduce their evidence on the said preliminary issue. The Tribunal vide his order dated 9th June, 1988 held that the domestic enquiry held into the charges against the concerned workman was fair, proper and in accordance with the principles of natural justice and fixed the case for hearing on merit.

The points to be decided in this case are (1) whether the dismissal of the concerned workman is justified and (2) whether the punishment of dismissal is too harsh and disproportionate to the established charge.

The management produced all the relevant documents relating to the enquiry proceeding and they are marked Ext. M-1 to M-6.

It is the admitted case of the parties that the concerned workman had applied for his transfer to the Coal depot at Alipurduar or Silliguri and for that purpose he had mentioned his native place near Alipurduar. It is also admitted that the concerned workman had given his permanent home address in Form B Register as village Dumra, P.O. Nawagarh District Dhanbad at the time of his appointment and he had not mentioned at that time that he had also his paternal house at Alipurduar municipal area, District Jalpaiguri. In para-4 of the W.S. of the workman it is stated that the Coal India Limited, had issued a circular dated 1st September, 1981 to its General Manager from its Calcutta Office inviting applications for different posts in their Coal dumps all over India including Alipurduar and Siliguri.. It was in response to the said circular that the concerned workman wanted to be transferred and posted at the Coal dumps at Alipurduar or Siliguri in West Bengal and for that purpose had mentioned his village home as Alipurduar which was near about Alipurduar. It will appear from the case of the workman that the concerned workman had his paternal house both in village Dumra, P.O. Nawagarh District Dhanbad as well as in Alipurduar municipal area, P.O. Alipurduar District Jajpaiguri. According to the management the concerned workman has his permanent village home at village Dumra,, P.O. Nawagarh, District Dhanbad but he has no paternal house or his village home at Alipurduar municipal area district Jalpaiguri in West Bengal and that the said address was stated in the applications of his transfer only for the purpose of getting his transfer order for Alipurduar. Now let us examine the evidence on the point as to whether he had his paternal house at Alipurduar. Ext. M-1 dated 23 d September, 1982 is the chargesheet in which it is stated that the concerned workman vide his representation dated 3rd September, 1982 addressed to Shri D. Venkataraman, General Manager, Coal India Limited, Calcutta applied for his transfer to Alipurduar or Siliguri Coal dump stating therein address of his native place near Alipurduar and that the management after enquiry found that his permanent home address is at village Dumrar, P.O. Nawagarh, District Dhanbad which also finds mentioned in Form B Register. It is alleged that the concerned workman gave wrong address of his native place near Alipurduar and he had also made false signature of the Agent, Kessurgarh Colliery on his representation which amounts to misconduct under clause 27(2) of the Standing Orders of the company. Ext. M-2 is the explanation of the concerned workman to the charge sheet. It is stated in para-3 of Ext. M-2 by the concerned workman that it is true that he had filed a petition dated 3rd September, 1982 addressed to Shri Venkataraman for his transfer from Kessurgarh Colliery to Alipurduar or Siliguri Coal dump in which he had given his home address of the place of his forefathers as his ancestors were residing near Alipurduar. He has further stated that some of the heirs of his forefathers came to village Dumra, P.O. Nawagarh, District Dhanbad for their livelihood and settled there. He has also stated that the said home address as village Dumra, P.O. Nawagarh, District Dhanbad is recorded in Form B Register. He has further stated that he is resident of both the places, namely, village Dumra in District Dhanbad and Alipurduar in West Bengal. The concerned workman had given his statement before the enquiry officer during the domestic enquiry on 11th July, 1982. He stated before the enquiry officer that the village address which he got entered in the Form B Register at the time of his appointment is correct. But thereafter in 1975 he got his house constructed at Alipurduar and as such he had mentioned his home address Alipurduar in his application for transfer. Now comparing his statement before the enquiry officer and his statement in Ext. M-2 it will appear that the ancestors of the concerned workman were the original residents of Alipurduar and that some of their descendants moved and shifted to village Dumra, P.O. Nawagarh, in the district of Dhanbad for their livelihood and settled there. But the concerned workman changed his said stand by stating that his address in Form B Register is correct and that in 1975 he constructed his house at Alipurduar and as such he had mentioned his home address of Alipurduar in his application for transfer. The two statements of the concerned workman are quite at variance from each other and it appears that the concerned workman in order to support his case subsequently came with the statement that he has constructed a house in Alipurduar in 1975 and as such he had given the said address in his application. The concerned workman in his statement before the enquiry officer stated in his cross-examination that he had not informed the management about his village home at Alipurduar as he was having his village home at both the places namely at Dumra and Alipurduar.

The management's witness has not filed the application dated 3rd September, 1982 which is stated to have been filed before the management for his transfer bearing the recommendation and signature of the Agent of Kessurgarh Colliery. The management's representative stated before the enquiry officer that the application of the concerned workman dated 3rd September, 1982 contained the false signature of the Agent. In his cross-examination by the workman he stated that the application which the concerned workman had filed remained with the Agent and as such there was no possibility of the said application being in the possession of the concerned workman bearing the recommendation and signature of the Agent. The other witness examined on behalf of the management was Shri Kulwant Singh, Agent of Kessurgarh Colliery. Shri Kulwant Singh stated before the enquiry officer after looking into the application of the concerned workman that the signature on it does not belong to him. He asserted that he can identify his signature. The workman did not cross-examine this witness. It appears therefore that the concerned workman did not challenge the statement of witness Kulwant Singh. The application of the concerned workman which was filed before the enquiry officer has not been produced before me. The concerned workman in his statement stated that he had filed the petition before the Agent and after receiving the copy. The Agent also wrote the said recommendation in his office copy with his signature and gave it to the concerned workman after putting his seal. Except for the evidence of Shri Kulwant Singh there is no other evidence to show that the application of the concerned workman did not contain the signature of Shri Kulwant Singh as Agent. There is positive assertion both by Shri Kulwant Singh and the concerned workman about the signature on the application of the concerned workman and as such it is not possible to give definite finding that the application of the concerned workman was not actually signed by the Agent. As the concerned workman was asserting that the signature was of Shri Kulwant Singh, Agent on his application it was incumbent on the management to adduce further evidence in order to establish that the signature and the recommendation in the application of the concerned workman did not belong to Shri Kulwant Singh. No prayer was ever made before the enquiry officer to get the signature on the application examined by a hand writing expert to establish that the signature was of Shri Kulwant Singh. In the above view of the matter I hold that the management has failed to establish that the signature on the application of the concerned workman was not of Shri Kulwant Singh Agent.

From the evidence discussed earlier on the point whether the concerned workman had his native village home at Allipurduar, it is clear that the concerned workman had not his native village at Alipurduar and that he had given the said address in the application so that he may get his transfer at Alipurduar or Silliguri. If the concerned workman had his native village since the time of his ancestors at Alipurduar he must have mentioned the said address also in Form B Register at the time of his appointment. The change of his stand that he had constructed his house at Alipurduar in 1975 itself shows that he was trying to have some defence in order to falsify the charge levelled against him. I held therefore that the concerned workman had his native village at Dumra, P.O. Nawgarh, Dist. Dhanbad and he had not his native village at Alipurduar in West Bengal and that the concerned workman had mentioned the said Alipurduar addressed as his native village for the purpose of getting his transfer at Alipurduar depot or Silliguri depot. In my opinion the management was been able to establish the charge that the concerned workman had mentioned his false native village as Alipurduar in West Bengal in order to get his transfer at that place and thereby the concerned workman has committed dishonesty in connection with the Company's business which is a misconduct under clause 27(2) of the Certified Standing Orders of Kessargarh Colliery Ext. M-6. I further hold that the management has failed to establish the charge against the concerned workman that the signature of the Agent on his application was not of Shri Kulwant Singh or that the concerned workman had forged it himself or had got it forged by some other persons.

Thus the charge established against the concerned workman is that he had mentioned his wrong native village at Alipurduar in his application for transfer to Alipurduar or Silliguri and so far this charge is concerned the management has rightly found him guilty of the same but so far the charge regarding the signature of Shri Kulwant Singh on the application of the concerned workman is concerned the charge is not established.

Ext. M-5 dated 26/29-10-83 is the order of dismissal. In my opinion, the punishment of dismissal of the concerned workman for the established charge is too harsh and is not proportionate to the charge established by the management. The concerned workman had, no doubt, tried to get his transfer to Alipurduar or Siliguri by giving incorrect address of his home at Alipurduar but that is not enough to call for extreme punishment of dismissal of the concerned workman. The concerned workman has been out of job since 29-10-83. The ends of justice will be met if the concerned workman is not paid for the period of his idleness since the date of his dismissal to the date of his joining the service and in my opinion that will be a punishment quite proportionate to the charge established against him.

In the result, I hold that one of the charge against the concerned workman has been established in the domestic enquiry but the action of the management in dismissing the concerned workman from service for the said established charge is not justified and the ends of justice will be fulfilled if the concerned workman is reinstated in the job within one month from the date of publication of the Award. But the concerned workman as a measure of punishment will not be paid wages for the period from the date of his dismissal to the date of his reinstatement. However he will be entitled continuity of service.

This is my Award

Sd/-

I. N. SINHA, Presiding Officer

[No. L-20012/81/85-D.IV(B)/D.IV(A)]

का. आ. 3212:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. भारत कोकिंग कोल लि. का हुरलाडीह कोलियरी के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या 1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-9-88 को प्राप्त हुआ था।

S.O. 3212.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the Hurladih Colliery of M|s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 26th September, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD.

In the matter of a reference under section 10(1) (d) of the Industrial Disputes Act, 1947.

Reference No. 78 of 1984.

Parties : Employers in relation to the management of Hurriladih Colliery of M|S. B. C. C. Ltd.

AND

Their Workmen

Appearances :

For the Employees :—Shri G. Prasad, Advocate.

For the Workmen :—Shri S. P. Singh, General Secretary, Khan Mazdoor Congress.

State : Bihar. Industry : Coal.

Dated, the 30th August, 1988

AWARD

By Order No. L. 20012(275)|84-D. III(A), dated, the 25th September, 1984, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Sec. 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :

"Whether the demand of Khan Mazdoor Congress, Post Office Jharia, Dhanbad for payment of Rs. 26.10 per day to the Loaders as mentioned in Annexure below, as per National Coal Wage Agreement-III, by the management of Hurriladih Colliery in Kustore Area of M/s. Bharat Coking Coal Limited, Dhanbad is justified? If so, to what releif are those Loaders entitled and from what date?

ANNEXURE

S. No. Name

1. Smt. Menka Kamin
2. Smt. Kalo Kamin
3. Smt. Paro Kamin
4. Smt. Gaya Kamin
5. Smt. Neli Kamin
6. Smt. Fili Kamin
7. Smt. Khedani Kamin
8. Smt. Keshari Chamarin
9. Smt. Mangula Kamin
10. Smt. Rani Kamin
11. Smt. Bhagoi Kamin
12. Smt. Dashi Kamin
13. Smt. Chandmuni Kamin
14. Smt. Shanti Kamin
15. Smt. Khandu Kamin
16. Smt. Sia Kamin
17. Smt. Putki Kamin
18. Smt. Sonia Kamin
19. Smt. Kusum Kamin

2. The case of the concerned female workers, as appearing from the written statement submitted by the sponsoring union, Khan Mazdoor Congress, details apart, is as follows :

The concerned female workers were working as quarry Miner|Loader in Hurriladih Colliery in Kustore Area of M/s. B.C.C. Ltd. In 1974 the management of the said colliery transferred all the female workers including the concerned female workers in the job of Wagon Loader which is also a piece-rated job. Kustore Area management of M/s. B. C. C. Ltd. transferred them to Burragarh Colliery and from Burragarh Colliery they were again transferred to Bhalgora Colliery of the same Area. During this period of transfer the designation of all the female workers including the concerned female workers remained Coal Carrying Mazdoor|Wagon Loader. Then again all the female workers were transferred to Hurriladih Colliery, with the same designation from Bhalgora Colliery by Kustore Area Office Order dated 8-9-83. But the most unfortunate part of the case is that although all the female worekrs number 30 (thirty) are performing the same job and carrying the same designation they are being paid difference wages. The concerned 19 female workers were getting Rs. 16.36 as basic wages as per N. C. W. A. II and other female workers were getting Rs. 18.50 as basic wages as per N. C. W. A. II. This difference of wages was reflected during fitment of wages in terms of N. C. W. A. III which has been inforced since January, 1983. The concerned female workers are being paid Rs. 22.71 instead of Rs. 26.10 as basic wages. The union took up the matter with the management by representation dated 22-2-1984, but no reply was given. Seeing no other alternative the union raised an industrial dispute before the A. L. C. (C), Dhanbad by representation dated 15-3-84. The management participated in the conciliation proceeding and filed written statement, but failed to produce certain documents before the Conciliation Officer. The concerned female workers are being paid less wages. Hence, the union has claimed that their wages be fixed at Rs. 26.10 as basic wages as per N. C. W. A. III from 1-1-1983.

3. The case of the management, stripped of avoidable details, is as follows :

The instant reference is not maintainable in law. The concerned female workers along with a large number of other workers who were employed as Hard Coke Loaders in Group III under piece-rated system in the Hard Coke Oven of Simlabahal Colliery became surplus and the employer instead of retrenching them from service, offered them alternative employment of Group III as over-burden removers under piece-rated system in Hurriladih Colliery of M/s. B. C. Ltd. by a dated 8-9-83. They were transferred on the same terms and conditions of employment as were applicable to them immediately before they became surplus. The last pay certificates were issued to the concerned female workers. They resumed their duties at Hurriladih Colliery after being released from Simlabahal colliery. These female workers never worked as Miner/Loader underground in Group VA under piece-rated system, since female workers cannot be employed as Miner/Loader in any part of the mine below-ground the provisions of Sec. 46(1) of the Mines Act, 1952. Miner/Loader and Quarry Loaders are piece-rated workers in Group VA. Under the provisions of N. C. W. A. the basic wages for piece-rated workers in Group III has been fixed at Rs. 22.71 and 21.85 as revised basic wages and fall back wages respectively. The wagon loaders| over burden removers have both been placed in Group III under piece-rated system in N. C. W. A. The concerned female workers have never worked as time-rated workers. The basic rate of Rs. 26.10 per day has been fixed in Category-III daily rated workers of Assam Coalfields and the concerned female workers are not entitled to get that rate of wages.

4. In rejoinder to the written statement of the management the sponsoring union has denied each and every contentions of the management in its written statement. The union has particularly denied that the concerned female workers were ever employed as Hard Coke workers in Simlabahal colliery and asserted that they were initially working as minor|loader in Hurriladih colliery. Although designated as wagon loaders they have been performing the job of time-rated workers in Hurriladih colliery.

5. In its rejoinder to the written statement of the sponsoring union the management has reiterated that the concerned female workers are employed as over-burden removers/hard coke stackers. They were employed also as wagon loader|hard coke stackers. It has been stated that while issuing the Last Pay Certificate at the time of transfer from Simlabahal to Hurriladih Colliery the wages of some of the workmen who were employed as over-burden removers in Group III were shown as Rs. 18.50 per day whereas their wages should have been Rs. 16.36 per day. It has been denied that the concerned workmen were ever employed in time-rated job.

In conformance to N. C. W. A. basic wages of some of the female workmen were fixed at Rs. 22.71 per day and those of others were fixed at Rs. 24.85 per day. The claim of the concerned female workmen for fixatation of their wages at Rs. 26.10 per day is not substainable.

6. The sponsoring union examined one of the concerned female workers Rani Kamin as W.W. 1 in support of its case and laid in evidence a number of documents which have been marked Exts. W-1 to W-6. On the otherhand, the management has examined B. D. Singh, as M. W. 1, who was posted as Dy. Personnel Manager in Kustore Area of M/s. B. C. C. Ltd. from September, 1982 to May, 1985 and produced some documentary evidence which have been marked Exts. M-1 to M-3.

7. It is the emphatic case of the sponsoring union that the concerned female workers were employed in Hurriladih colliery as quarry miner|loader and in 1974 all the female workers including the concerned female workmen were transferred to the job of wagon loaders which is also a piece-rated job and that Kustore Area management transferred them to Burragarh colliery and then again from Burragarh

to Bhalgora colliery. It is the further emphatic case of the sponsoring union that during the period of transfer the designation of all female workers including the concerned female workers remained as coal carrying mazdoors/wagon loaders and that all the female workmen including the concerned workmen were re-transferred to Hurriladih colliery with the same designation from Bhalgora colliery. It has surfaced in evidence that the concerned female workers were posted to Simlabahal colliery for sometime and deployed for duty in nata coke oven and that upon being declared as surplus they were transferred to Burragarh colliery as wagon loader along with other workers both male and female by order dated 8-9-83 Ext. M-1 corresponding to Ext. W-1. Thus, it appears that the concerned female workrs along with other female workers were transferred from Hurriladih colliery to Simlabahal colliery and from Simlabahal colliery to Burragarh colliery and from Burragarh colliery to Bhalgora colliery and then again to Hurriladih colliery. The management has denied that the concerned female workers were ever employed as quarry miner/loader.

In the written statement the management has taken the legal position that since the concerned workers are female workers they cannot be employed in any part of the mine below-ground in violation of Sec. 46(1) of the Mines Act. Sec. 46(1) of the Mines Act indeed puts a prohibitory embargo of employment of female workers in mines below-ground. Nevertheless it is the case of the concerned female workers that they were engaged as quarry miner/loader in Hurriladih colliery. There is no vestige of evidence to indicate that the quarry of Hurriladih colliery was below-ground. WW-1 Rani Kamin, one of the concerned female workers, has stated with unequivocal assurance that all the concerned female workers were appointed originally as quarry miners of Hurriladih colliery and that some 30 women workers were appointed as quarry miners and that the concerned female workers were amongst them. She has further stated that when the quarry was closed all the women workers working as miners were transferred to Depot and deployed for duty as wagon/loaders. She has also stated that all the 30 female workers including them were transferred to Burragarh colliery and from there all of them were transferred to Bhalgora and all of them were transferred from Bhalgora to Hurriladih colliery. The management has striven to disprove that they were ever employed as quarry miner/loader. On being asked in cross-examination this witness has stated that since she has not got in her possession letters of appointment of all the 30 women workers, she is not in a position to produce the same. B. D. Singh, witness for the management, has not stated anything in opposition to the details of transfer as mentioned by W.W.1 Rani Kamin. He has also stated that he is not in a position to say if the concerned female workers were appointed as miner/loader in Hurriladih colliery and whether all the concerned female workers were getting same wages as male quarry miner/loaders were getting in Hurriladih colliery. Thus, the conclusion is reached upon consideration on evidence on record that the concerned female workers were transferred from Hurriladih colliery to Simlabahal colliery and from Simlabahal colliery to Burragarh colliery and from Burragarh colliery they were again transferred to Bhalgora colliery and finally they were again re-transferred to Hurriladih colliery.

8. It is the definite case of the sponsoring union that while at Hurriladih colliery all the female workers were transferred to the job of wagon loaders which is a piece-rated job. Undisputedly both the jobs of quarry miners and wagon loaders are piece-rated jobs, and as per N. C. WA-I quarry miners are placed in Group VA while wagon loaders are placed in Group-III. The union in its representation to the management dated 22-2-84 (Ext. W-2) has complained that although all the 30 female workers were appointed on the same date and in the same post the concerned female workers were getting daily basic wages of Rs. 16.36 per head while others having been placed in Cat. IV were getting daily basic wages of Rs. 18.50 per head as per N.C.W.A. II. The union, appears to have mis-quoted the provisions of N.C.W.A. II. It should be that the concerned female workers were placed in Group-III and the basic wages were fixed at Rs. 16.36 per day per head while other female workers have been placed in Group VA and their basic wages have been fixed at Rs. 18.50 per head per day. Thus, the crux of the issue in the present reference is that 30 female workers were appointed on the same date and in the same post, but the wages of the concerned female workers have been fixed at lower level by placing them in lower group than 11 others who have been placed in higher group and allowed higher basic wages. In order to combat the contention of the union the management has taken the position that the concerned female workers were never employed as quarry miner/loaders. Admittedly, quarry miner/loaders are placed in Group VA. In the written statement the management has taken the position that some inaccuracies have crept in Last Pay Certificates issued at the time of transfer from Simlabahal colliery and that wages of some of the workers, employed as over-burden removers, in Group-III have been shown as Rs. 18.50 per day. But at the time of hearing the management has given a go-by to this contention and this is evident from the evidence of M.W.1 B. D. Singh. Sri Singh has stated that the contents noted in the Last Pay Certificates marked Ext. W-2 series are correct and that whenever any workman is transferred from one job to another or from one colliery to another his wages in the parent job becomes a protected pay. He has further stated that there are difference of wages as reflected in the Last Pay Certificates owing to the fact that some workmen doing removal of earth job were being paid Rs. 16.36 per diem while some workmen doing the job of quarry loaders were being paid at the rate of Rs. 18.50 per diem, and this accounts for their differences in their wages. The management has not produced Form B register in support of its contention that the concerned female workers were never deployed as quarry miner/loaders. It is the definite case of the sponsoring union that 30 female workers were employed in Hurriladih colliery as quarry miner/loaders and that they were employed on the same date and in the same posts, but there remains difference in their wages—the wages of the concerned female workers were fixed at Rs. 16.36 per day in Group III under piece-rated system while the wages of the remaining 11 other female workers have been fixed at Rs. 18.50 in Group VA under piece rated system. According to M.W. 1 B. D. Singh this difference has arisen because of the fact that the concerned female workers were doing the job of removal of earth while other female workers were doing the job of quarry loaders. It is not the case of the management that some of the female workers were employed as quarry miners and some as wagon loaders on in other piece-rated jobs in Group-III. The case of the management is that the female workers were not employed as quarry miners since there is an embargo of appointment of female workers as miners below-ground. Considering all these facts I cannot but conclude that the concerned female workers were initially appointed as quarry miners and thereafter they were engaged in other piece-rated jobs in Group-III.

9. It appars from the evidence of B. D. Singh that when a workman is transferred from one job to another and from one colliery to another his wages in the parent job becomes a protected job. This being the clear admission of the witness for the management it can be concluded that the concerned female workers are entitled to get protection of pay as quarry miners in Group VA. There is no dispute that the management has not been paying them wages. On the other hand, Last Pay Certificates (Ext. M-2 series) established the fact that some of the female workers having the same designation as the concerned female workers and the same date of appointment have been getting higher wages, obviously after being placed in Group VA while the concerned female workers have been getting less wages by their placement in Group III although all of them were appointed to the same date and in the same posts. This anomaly in fixation of pay, in fairness to things, shall not be allowed to exist. The management is directed to have recourse to rational fixation of pay in respect of the concerned female workers.

10. Sri C. Prasad, Advocate, for the management has contended that the reference is for payment of wages of Rs. 26.10 per day to each of the concerned female workers and the Tribunal must dismiss this reference since this payment is not admissible as per N.C.W.A. To my mind this contention is nothing but a strait jacket approach to construction of terms of reference which is not desirable nor permissible. The assence of the dispute as revealed in the present reference is whether the demand of Khan Mazdoor Congress for higher fixation of pay of the concerned female workers is justified or not. I have already pointed out that

the claim of the concerned female workers for higher fixation of their pay is justified.

11. Accordingly, the following award is rendered—the demand of Khan Maddoor Congress, Dhanbad, for higher fixation of pay for the concerned female workmen is justified. The management is directed to have recourse to rational fixation of pay of the concerned workmen in the light of observation made in the body of the award. Such fixation when done will have retrospective effect from the date of reference i.e. 12-9-1984.

In the circumstances of the case I award no cost.

Sd/-

S. K. MITRA, Presiding Officer

[No. L-20012/275/84.D.III(A)/D.IV (A)]

का.आ. 3213 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्ज बी० सी.सी.एल. का इन्डस्ट्री कोलियरी के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सख्या 1 धनबाद के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-9-88 को प्राप्त हुआ था।

S.O. 3213.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the Industry Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 27th September, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) of the

Industrial Disputes Act, 1947

Reference No. 49 of 1983

PARTIES :

Employers in relation to the management of Industry Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

ALPPEARANCES :

For the Employers : Shri G. Prasad, Advocate.

For the Workmen : Shri Anand Mohan Prasad, Authorised Representative of Akhil Bhartiya Koyala Kamgar Union.

STATE : Bihar. INDUSTRY : Coal.

Dated, the 30th August, 1988

AWARD

By Order No. L-20012(233)/82-D.III(A), dated, the 20th June, 1983, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Industry Colliery of Messrs Bharat Coking Coal Limited in refusing employment to 111 workmen listed in the Annexure below was justified ? If not, to what relief are the said workmen entitled ?"

1. S/Shri Prayag Bhuia
2. Tahal Bhagta
3. Matal Bhagta
4. Ramdhani Bhuia II
5. Phalchand Bhuia
6. Cheta Mithu Rabidas
7. Chatu Turi
8. Makauri Bouri
9. Mahesh Bhuia
10. Jogender Sharma (H)
11. Surender Sharma (H)
12. Haria Bhuia (H)
13. Surja Bhuia
14. Shaman Bhuia
15. Khublal Turi
16. Bara Keshar Manjhi
17. Deblal Singh (H)
18. Ramchandra Sharma (H)
19. Kesho Prasad Sharma
20. Mahadeo Mistry (M)
21. h. Mahabir Buia
22. Mahabir Bhuia
23. Nageshar Bhuia
24. Badri Bhuia
25. Madho Singh
26. Asari Modi
27. Hulash Bhagta
28. Mustafa Ansari
29. Md. Karmuddin Ansari (H)
30. Isral Kia (Bara)
31. Lukha Manjhi
32. Ransho Manjhi
33. Sukar Bhuia II (M)
34. Dukhan Bhuia
35. Giro Bhagta
36. Sri Bhagwan Sharma (H)
37. Ran Bijay Singh
38. Ramashankar Prasad (Y)
39. Laxman Sharma (M)
40. Sonalal Manjhi (M)
41. Dinesh Dhobi (M)
42. Nanhoo Yadav
43. Sibdhani Yadav
44. Lalchand Yadav
45. Ahari Yadav
46. Yusuf Ansari (T)
47. Krishan Sharma (H)
48. Mustakin Ali
49. Bijoy Sharma .
50. Bhulan Bhia
51. Magano Pd. Singh (M)
52. Yamuna Bhuia
53. Bibhun Bhuia
54. Mohan Sharma (H)
55. Md. Mahajid
56. Phaguni Bhuia (M)
57. Mohan Bhuia
58. Chandrika Bhuia
59. Banawari Sharma
60. Mukta Ansari (N)
61. Lakan Bhuia
62. Tulsi Bhuia
63. Bhuneshwar Shaw
64. Dukhan Saw
65. Lokesh Sharma (T)
66. Mumtaj Ali
67. Bharat Sharma
68. Siblakhan Ram (M)
69. Usman Gani Ansari

70. Manuj Ansari
71. Mithu Rabidas
72. Baleshwar Bhia
73. Phateram (T)
74. Mahafasul Ansari (H)
75. Awadhesh Sharma (T)
76. Ramadhar Sharma (H)
77. Anandi Thakur ML
78. Kamdeo Singh (H)
79. Jitendra Sharma
80. Brijnandan Singh
81. Rabindra Singh
82. Indradeo Singh (ML)
83. Radhika Pd. Singh
84. Surjanam Ram
85. Deblal Singh (T)
86. Pundeb Ram
87. Birju Paswan
88. Ganesh Mahato
89. Nagendra Singh
90. Noor Md. (H)
91. Bikash Mukherjee (H)
92. Makul Ghosal
93. Sikawat Mia (M.L.)
94. Soharai Bhuia
95. Satendra Pd. Singh (H)
96. Khublal Bhuia (M.L.)
97. Baloband Bhia
98. Jadunandan Mahato
99. Lalkeshwar Pd.
100. Kaleshwar Pd. Singh
101. Ajay Chouhan
102. Indrani Mian
103. Ramadhar Yadav (M.L.)
104. Dinesh Sharma (H)
105. Jakh Ahmad
106. Noor Mahammad
107. Manglal Sharma (T)
108. Rabindra Singh (H)
109. Madan Singh
110. Nandlal Pandit
111. Umesh umar Singh.

2. The case of the management of Industry Colliery of M/s. B.C.C. Ltd., details apart, is as follows:

Industry Colliery is a coking coal mine which was taken over on 17-10-1971 by the Central Government and has since been nationalised with effect from 1-5-1972. Under the provisions of Coking Coal Mines (Nationalisation) Act, the Central Government has taken over the aforesaid coal mine free from all incumberance and liability which arose before 1-5-72. The liability which arose before 1-5-72 is the liability of the erstwhile employer. The names of the concerned workers were not on the roll of the colliery on the appointed day on 1-5-72 and M/s. B.C.C. Ltd. a Government company, is not liable to re-employ or employ any such workers/persons who were not on the roll of the coal mine on 1-5-72. Earlier the Central Government refused to refer the dispute for adjudication. Thereafter the Central Government has referred the dispute for adjudication in gross violation of natural justice. There exists no relationship of employer and employees between the management of Industry Colliery of M/s. B.C.C. Ltd. and the concerned workers/persons named in the reference. The sponsoring union, namely, Akhil Bharatiya Koyala Kamgar Union, did not exist when the services of the concerned workers/persons named in the order of reference were terminated. In the order of reference no seniority list has been enclosed. Since as per demand of Akhil Bharatiya Koyla Kamgar Union, the persons named in the reference were retrenched sometime in 1971, long before the said coal mine was nationalised, and were paid notice pay and retrenchment compensation under Section 25F of the Industrial Disputes Act, they can not claim re-employment from the undertaking i.e. from M/s. B.C.C. Ltd. The concerned persons were retrenched after due payment of retrenchment compensation and there was no contract between the erstwhile employer and the Government company that the latter would employ any persons who were retrenched earlier.

3. The case of the sponsoring union, namely, Akhil Bharatiya Koyla Kamgar Union, briefly stated, is as follows:

The workmen numbering 111 as listed in the reference were working Bhuggatdih Rise Area and were on regular roll of the colliery. These workmen were laid off by the management in 1971 and later retrenched. Some of the workers of Bhuggatdih Rise Area were taken back in employment although they were purely temporary workers working on daily basis. The management assured these concerned workmen to employ them. The union demanded their employment since nationalisation of the colliery. These workmen were retrenched but the present management were recruiting workmen without intimating these workmen for appearance for consideration of their employment. M/s. B.C.C. Ltd. were deploying workmen from retrenched workmen in terms of settlement or agreement with R.C.M.S. The concerned workmen were permanent workers and have got better claim for being employed. In the circumstances the sponsoring union has claimed that the refusal of employment of the concerned workmen by M/s. B.C.C. Ltd. is not justified.

4. In the rejoinder to the written statement of the workmen the management has reiterated its case as made out in the written statement and disclaimed its liability to employ the concerned workmen.

5. In the rejoinder to the written statement of the management the sponsoring union has stated that the workers listed in the reference were laid off and were given to understand that employment would be given to them after coal stock was lifted. Later these workmen were retrenched, and protected negotiation went on at various levels. Conciliation proceeding was initiated, but that ended in failure. The legal objections raised by the management against the claim of the workmen listed in the reference are all stale and untenable.

6. In the additional written statement the employer has contended that under the provisions of Coal Mines Nationalisation Laws (Amendment) Act, 1986 which has come into force on 15-12-1986 with retrospective effect, no workman who was on the roll of the coking coal mine as well as non-coking coal mines could claim employment either from the Central Government or Government company. It has been contended further that M/s. B.C.C. Ltd. is not successor interest of the erstwhile employer.

7. The sponsoring union by its rejoinder to the additional written statement of the management has stated that the workers listed in the reference were on the permanent roll of the previous management and they were laid off by the management when there had been huge stock of coal in Bhagatdih Like Area with the assurance that they would get employment after the stock of coal was disposed of, but meanwhile the colliery was nationalised and they were thrown out of employment. The management has violated the provisions of Industrial Disputes Act and Rules framed thereunder.

8. The management has examined one witness, namely, Sheo Pujan Singh, who figures as MW-1 and laid in evidence Form B Register which has been marked Ext. M-1 and one letter which has been marked as Ext. M-2. On the other hand, the sponsoring union has examined three witnesses including its General Secretary, R. P. Singh who figures as W.W. 1 and laid in evidence a number of documents which have been marked Exts. W-1 to W-10.

9. Admittedly, both Industry Colliery and Bhuggatdih Colliery (called Bhuggatdih Rise Area by the sponsoring union) are coking coal mines and the management of both these collieries vested in the Central Government with effect from 17-10-71 under the provisions of the Coking Coal Mines (Emergency Provisions) Act, 1971 and that both these collieries were nationalised with effect from 1-5-72 by the provisions of Coking Coal Mines (Nationalisation) Act, 1972.

10. It appears from the evidence laid by the sponsoring union, Akhil Bharatiya Koyla Kamgar Union that Bhuggatdih Colliery merged into Industry Colliery after nationalisa-

tion. The management has not assailed this factual position. Anyway, WW-1 R. P. Singh who is the General Secretary of the sponsoring union has asserted firmly that Bhuggatdih Colliery (Bhuggatdih Rise Area) was formerly a separate colliery which merged into Industry Colliery in the year 1975 or 1976 after nationalisation of Bhuggatdih Colliery (Bhuggatdih Rise Area) and Industry Colliery. Sri Singh has claimed to have worked in Bhuggatdih Colliery in 1968. It appears that he is holding the post of General Secretary, Akhil Bharatiya Koyla Kamgar Union and before joining this union he was the Branch Secretary of Colliery Mazdoor Sangh upto 1972. His evidence indicates that after 1972 he was Branch Secretary of Koyla Ispat Mazdoor Panchayat for one or two years and thereafter he joined the present union. WW-2 Rameshwar Barhi has also stated that Bhuggatdih Rise Area colliery merged in Industry Colliery in 1972. It appears that the year of merger as stated by him is not supported by evidence, but nevertheless the fact remains that Bhuggatdih Colliery merged into Industry Colliery. Thus, the conclusion is reached that Bhuggatdih Colliery a coking coal mine merged into Industry colliery also a coking coal mine in or about 1975-76 and thereby lost its separate identity and had become a part and parcel of Industry Colliery.

11. After nationalisation of coking coal mines of BCC Ltd., a subsidiary company of Coal India Ltd. has become the owner of coking coal mines including the Industry Colliery. Admittedly the principle functions of M|s. BCC Ltd. are identical with those of Bhuggatdih Colliery and for the matter of that the Industry Colliery. The businesss carried on by M|s. BCC Ltd. is similar to the business carried on by Bhuggatdih Colliery and Industry Colliery and there is no break in the continuity of business. These being the facts and circumstances I have got no hestitation to hold that M/s BCC Ltd. is a successor-in-interest of Industry Colliery as well as Bhuggatdih Colliery.

12. It appears that over the retrenchment of a body of workers by the erstwhile management of Bhuggatdih Colliery the present industrial dispute has boiled down to. It is the case of the sponsoring union that as many as 111 workmen as listed in the reference were retrenched by the erstwhile private owner in 1971 on the plea that there was huge stockpile of coal. At the time of hearing Shri R. P. Singh, General Secretary of the sponsoring union has clarified the position by stating that the total number of retrenched workmen was about 150 including the workmen listed in the present reference. This statement of Sri Singh is corroborated by documentary evidence (Exts. W-6, W-7 and W-8) produced by the sponsoring union. By letter dated 16-1-80 addressed by Sri S. N. Sinha, Dy. Personnel Manager (IR) requested the Supdt. Industry Colliery to verify from the colliery statutory register in reference to the representation made by the Secretary Akhil Bhartiya Koyla Kamgar Union dated 23-11-1978 as to whether the concerned employees had over worked in the colliery and were retrenched from work (Ext. W-6). By letter dated 28-4-80 A. Zafri submitted a list of retrenched persons of Bhuggatdih Rise Section as provided by the Supdt. Industry Colliery (Ext. W-7). The Supdt., Industry Colliery informed by letter dated 24-4-80 to the Personnel Manager, Kusunda Area of M/s. BCC Ltd., (Ext. W-8) that as many as 52 workmen (with their names) were retrenched due to heavy stock of coal from 12-7-71 by notice dated 9-6-71 and the remaining 59 workers of the list enclosed were temporary workers although they worked for long at the time of retrenchment. Thus, it is seen that the claim of R. P. Singh that as many as 111 workmen were retrenched by the erstwhile owner on the plea of heavy stock of coal before the collieries were taken over by the Central Government is firmly substantialed by the documentary evidence. The letter of Supdt. of Industry Colliery (Ext. W-8) further indicates that 28 workmen engaged in Bhuggatdih Rise Area Colliery were taken back in service in terms of settlement dated 16-3-76 and further that a body of 13 workmen were also taken back in servicee as per representation of the union in 1972-73. Considering these facts the evidence of R. P. Singh that about 150 workmen were retrenched by erstwhile owner is supported by evidence. As a matter of fact the management has produced a letter of notice for retrenchment issued admittedly to one of the concerned workmen of Bhuggatdih Rise Area Colliery dated 9-6-71 (Ext.. W-2). This letter is indicative of the fact that because of insufficient orders and irregular supply of wagons for movement of coal the colliery faced a very difficult situation and in order to avoid total closure of the colliery some workmen were retrenched. According to R. P. Singh similar letters were received by other workmen also. WW-3 Birju Paswan has stated that he along with other 150 workmen were retrenched by the management of Bhuggatdih Rise Area. The managemnet has produced Form B Register of Industry Colliery obviously in a bid to show that the concerned workmen were not on the roll of the Industry Colliery at the time of nationalisation (Ext. M-1). But this attempt has become futile and that is written large in the evidence of MW-1 Sheopujan Singh. Shri Singh has been working as an employee of Industry Colliery since 1972; he has proved Form B Register (Ext. M-1). In dross-examination he has admitted that this Form B Register (Ext. M-1) was prepared on the basis of Form B Register of out-going owner of the colliery and in the Form B Register the names of these employees of the out-going owner were entered who were on the roll of the colliery with effect from 1-5-72 and who continued to work under the new management of M|s. BCC Ltd. Thus, it is evidence from his evidence that this Form B Register is not a complete document; it only contains the names of the workmen whose names were on the roll of the colliery as on 1-5-72 and who continued to work for the new management of M|s. BCC Ltd. The concerned workmen were retrenched from service with effect from 12-7-71 as evidenced from Ext M-2. Their names could not be expected to be on the roll of the colliery. Besides Bhuggatdih collierev did not merged into Industry Colliery at the relevant time. These being the position, I come to inescapable conclusion, upon consideration of the evidence on record both oral and documentary, that as many as 150 or little more workmen of Bhuggatdih Colliery were retrenched from service by the management of erstwhile owner of Bhuggatdih Colliery for operational and financial straits.

13. Sri G. Prasad Advocate for the management has contended that it has to be looked into by this Tribunal as to whether the retrenrhment made by the erstwhile owner is justifie f or not. I am constrained to state that this contention of Shri G. Prasad is not a specious and has no merit at all. Admittedly, the present management of M|s. BCC Ltd. is sitting over the matter of giving re-employment to the concerned workmen for years on end. The management of M|s. BCC Ltd. has got statutory obligation flowing from Section 25H of the Industrial Disputes Act to re-employ the retrenched workmen if it proposes to take in its employment any persons as envisaged in that Section. This Tribunal is dalled upon to adjudicate whether the action of the management in refusing employment to the listed workmen is justified or not Admittedly, the management of M|s. BCC Ltd. has got a statutory obligation to give employment to its retrenched workmen if it proposes to take into its employ any person provided such retrenched persons offer themselves for re-employment. Since the concerned workmen are retrenched workmen the management of M|s. BCC Ltd. has got an obligation to re-employ them if it proposes to take into its employ any person. In this view of the matter the action of the management of Industry Colliery of M|s. BCC Ltd. in refusing employment to the concerned workmen is held to be not justified.

14. Before concluding it is worthwhile to mention a thormy matter which may be confornted by the management and that is with regard to identification of the concerned workmen But the problem can easily be resolved by joint efforts by both employer and employee provided there is a genuine will to resolve such problem The identity of the concerned workmen should be established by joint effort of both the employer and employees.

15. Accordingly, the following award is rendered the action of the management of Industry Colliery of M|s BCC Ltd. in refusing employment to 111 workmen as listed in the reference is not justified. The identity of the concerned workmen shall be determined by joint effort by both the employers and the employees after reasonable screening.

In the circumstances of the case I award no cost.

S. K. MITRA, Presiding Officer

[No. L-20012/233/82-D.III(A)/D.IV(A)]

का.आ. 4.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै० भारत कोकिंग कोल का वैस्ट बोकारो कोलियरी के प्रबन्धतंत्र से सम्बद्ध नियोजकों और इनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या 1, धनबाद के पंचाट को प्रकाशित करती है ।

S.O. 3214.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government industrial Tribunal No. 1, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the West Bokaro Colliery of M/s. Bharat Coking Coal Limited and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 5 of 1988

PARTIES :

Employers in relation to the management of West Bokaro Colliery of Tata Iron and Steel Company Ltd., P.O. Ghatetand (Dhanbad).

AND

Their Workman

APPEARANCES :

For the Employers—Shri S. S. Mukherjee, Advocate.

For the Workmen—Shri D. K. Varma, Advocate.

STATE : Bihar INDUSTRY : Coal

Dated, the 29th August, 1988

AWARD

By Order No. L-20012/59/78-D.III (A), dated, the 3rd June, 1978, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of West Bokaro Colliery of Tata Iron and Steel Company Limited, Post Office Ghatetand, District Hazaribagh in dismissing Shri Ayub Khan, Shet-firer-cum-Mining Sirdar with effect from 7th September, 1974 is justified ? If not, to what relief is the said workman entitled ?"

2. At the out-set I would like to glean certain facts before commencing my discussion on the industrial dispute presented in this reference. Admittedly, one Leyakat Hussain, Fitter Helper and the concerned workman, Ayub Khan, Shotfirer-cum-Mining Sirdar were workmen of West Bokaro Colliery of M/s. Tata Iron and Steel Co. Ltd., Ghatetand, Dist. Hazaribagh (Bihar). Both of them were arraigned on a charge of having committed theft on the night betwene 2nd and 3rd of March, 1947 in respect of company's property, viz. 25 H.P. Motor worth Rs. 4,500, from the custody and possession of the company. In both the cases separate domestic enquiry was held by the management and charges against both of them were held to have been proved in the said enquiry. Consequently Lasaka Hussain was dismissed from service with effect from 5-7-74 and the concerned workman Ayub Khan from 7-7-74. Over their dismissal from services industrial disputes were raised and appropriate Government was pleased to refer this industrial dispute for adjudication by the Central Government Industrial Tribunal No. 3, Dhanbad. The dispute raised over the dismissal of Loyakat Hussain was registered as Ref. No. 43 of 1978 and that raised over the dismissal of Ayub Khan was registered as Ref. No. 47 of 1978 by the said Tribunal.

3. It appears that since both the references arose out of the same incident, the Tribunal considered it convenient to dispose of them by a common award. Sri P. Ramakrishna, the then Presiding Officer, Central Government Industrial Tribunal No. 3, Dhanbad, held, upon the materials on record, that the decision of the Enquiry Officer holding Leyakat Hussain guilty of the charge was based on proper evidence. But the Presiding Officer held that the decision of the Enquiry Officer holding the concerned workman guilty of the charge was not based on proper evidence. Accordingly, he upheld the action of the management dismissing Leyakat Hussain from service as justified, but held that the action of the management in dimissing the concerned workman from service is not justified.

4. The management took up the matter before Hon'ble Patna High Court and the Hon'ble Court was pleased to set aside the award of the Tribunal and the relevant portion of the order of the Hon'ble Court is re-produced herein-below

"So far confession of Liakat is concerned, certainly it could not have been used as a piece of evidence against Ayub. In Kashmira's case (Supra), it was held that confession of a co-accused is not evidence in the ordinary sense of the term, but the same can be used to lend assurance to other evidence against a co-accused. The Tribunal, as noticed above, has completely brushed aside the confession of Liakat. It was required to see whether the confession of Liakat would lend assurance to the evidence of Arjun Singh. The finding of the Tribunal, so far Ayub is concerned, cannot be sustained.

In the result, this application is allowed. The award as contained in annexure-I so far Ayub is concerned is set aside and the matter is remitted to the Tribunal for giving a fresh finding on the basis of the evidence already on the record keeping in view the observations made above. There shall be no order as to costs. Since the reference is of 1978, the Tribunal shall give priority to this case."

5. In the context of these facts and circumstances it is necessary to reiterate the facts garmane to the present case once again. Ayub Khan was working as Shet-firer-cum-Mining Sirdar in West Bokaro Colliery of M/s. Tata Iron and Steel Co. Ltd. On the night between 2-3-74 and 3-3-74 Ayub Khan and Leyakat Hussain along with some others were seen carrying a 25 H.P. Electric Motor worth Rs. 4,500 from the direction of the filter house of the establishment. On the next morning i.e. 3-3-74 Md. Idrish a Pump Khalasi reported to Sri S.K. Sinha, Security Inspector, West Bokaro Colliery that a spare motor from the Driver Hut Area filter house was missing Idrish reported to Sri Sinha that Arjun Singh reported him about the involvement of Leyakat Hussain, the concerned workman and others in the commission of crime of theft. Thereafter Sri Sinha visited the Pump House and found the damaged lock of the filter house broken and lying there. The spare motor was found missing. After verifying the facts from Arjun Singh information regarding commission of cognisable offence was given in the local P. S. The police leant into action on 3-3-74 and recorded a case No. 435/74 corresponding to T.R. No. 20/76 under Section 461/34 and 379/411 read with Section 34 of I.P.C. against some unknown persons and arrested the concerned workmen and others on 3-3-74 and Leyakat Hussain on 5-3-74. While in police custody Leyakat Hussain made a confessional statement leading to the discovery of the missing motor pump. He led the police to the place where the motor pump was kept hidden. The police recovered the stolen property from the spot point ed out by Leyakat Hussain. The management issued separate chargesheets to Levakat Hussain and the concerned workman in respect of misconduct of theft of the company's property. They were tried separately before the Enquiry Officer. The management examined its witnesses in presence of the persons proceeded against. Both of them examined themselves in support of the defence. The Enquiry Officer found both the workmen guilty of the charge of misconduct of theft in respect of the company's property. The competent authority of the management accepted the finding of the Enquiry Officer and dismissed both of them from service by separate orders.

The concerned workman submitted written statement questioning the property and fairness of the domestic enquiry. He had contended that the action of the management in dismissing him from service is based on no evidence and a clear case of victimisation. He has asserted that since he was acquitted of the charge in the criminal case, he asked the management to reinstate him in service, but that was not granted.

6. As I have pointed out before, the Presiding Officer held that the action of the management in dismissing Leyakat Hussain from service was justified as it was based on proper evidence. He further held that the action of the management in dismissing the concerned workman from service was not justified as the finding of guilty recorded by the Enquiry Officer against the concerned workman was not justified. It is worthwhile to re-produce hereinbelwo the relevant portion of his award .

> "I do not consider this solitary evidence of Arjun Singh sufficient to find C.S.E. 2 guilty in the absence of other incriminating circumstances. The statement of C.S.E. 1 before the police implicating C.S.E.P. also in this offence cannot be made use to find C.S.E. 2 guilty. It is most unsafe to make use of the statement of a co-accused for this purpose."

7. The matter went up before Hon'ble Patna High Court and I have already re-produced the salient portion of the order of the Hon'ble Court.

8. Admittedly, Md. Ayub Khan, the concerned workman, was working as Shot-Firer-cum-Mining Sirdar in West Bokaro Colliery of M/s. Tata Iron and Steel Co. Ltd., Ghatotand, Hazaribagh (Bihar). It is the case of the management that on the night between 2-3-74 and 3-3-74 Ayub Khan and Leyakat Hussain working as Fitter Helper in West Bokaro Colliery and some others were seen carrying a 25 H.P. electric motor worth Rs. 4,500 from the direction of Filter House of the establishment and on the next morning i.e. 3-3-74 Md. Idrish, a Pump Khalasi reported to Sri S. K. Sinha, Security Inspector, West Bokaro Colliery that a spare motor from the Driver Hut Area Filter House was missing, and that Idrish further reported to Sri Sinha that Arjun Singh reported to him about the involvement of the concerned workman, Leyakat Hussain and others in the commission of theft. It is the further case of the management that Sri Sinha verified the fact for himself and information regarding commission of cognisable offence was provided in the local P.S. The police recorded a case under section 461/34 and 379/411 read with Section 34 of I.P.C. against some un-known persons and arrested the concerned workman and others on 3-3-74 and Leyakat Hussain on 3-3-1974. While in police custody Leyakat Hussain allegedly made a confessional statement which laid to the recovery of the stolen property as pointed out by Leyakat Hussain.

9. Upon these facts, the following charge was made against the concerned workman by issuance of chargesheet dated 2-5-1974 :

> "You are hereby asked to show cahse why disciplinary action should not be taken against you under Clause 27(2) of the Standing Order for the following misconduct :
>
> It has been reported that at about 12 midnight on 2-3-1974 you alongwith others stole an electrical pump motor BIECCO LAWRIE make induction motor HP-25/18-5, costing approx. Rs. 4,500 from Driver hut area pump house which was kept there as a stand by motor for the pump. You alongwith others carried the motor upto Fansitand and hid the same in bush. The said pump motor was recovered by the Police. You are therefore charged for the theft of Company's materials."

The concerned workman totally denied the charge in the written explanation submitted by him.

10. According to the case of the management the alleged occurrence took place on the night between 2-3-74 and 3-3-1974. Admittedly, chargesheet was laid against the concerned workman on 2-5-74. It appears from the judgement passed in cr. case No. 535/74 corresponding to T.R. No. 20/76 submitted before this Tribunal by the concerned workman that closely on the heels of the alleged occurrence an information regarding commission of offence was provided in the P. S. by Shri B. K. Guin, Manager, West Bokaro Colliery and on the basis of such information the police recorded a case for commission of cognisable offence against some unknown persons. Thus, it is obvious that the management could not provide the names of the culprits before the police immediately after the occurrence. It also appears that after a lapse of almost two months the management submitted a chargesheet against the concerned workman and another for commission of theft in respect of electric pump motor valued approximately Rs. 4,500. In the domestic enquiry the management did not offer any explanation as to why they made such delay when they were so such sure about the commission of the offence of theft in respect of company's prope ty by the concerned workman and another. I consider that this is a no men infirmity in the case of the management which eshould not b ignroed.

11. It appears that Arjun Singh is practically sole eye witness in this case. He has stated before the Enquiry Officer that on 2-3-74 at about 12 midnight while he was defecating, he heard some sound coming from inside the filter house and after sometime he saw three men coming out and that after sometmie he saw more men coming out of the filter tank house carrying heavy material and that the heavy material looked like motor and that when the peoples saw him, they stopped and kept the motor on the ground and he could recognise Ayub Khan, Md. Ishaque, Habib Miah, Liakat Hussain and Govind Ram and others whom he could not recognise. His further statement is that Ayub Khan and Ishaque accosted him as to what he was doing there. This Arjun Singh deposed in the criminal case as P.W. 6. But he did not claim there having seen the concerned workmen and others committing the act of theft or that he cohld recognise them in flagaranto derelicto. It has been contended that regard being had to the visits of time elapsed between the date of occurrence and the date of trial in criminal Court the omission in the evidence of Arjun Singh in pin pointing the offence of the concerned workman shall be ignored. But I consider that there is no substance in this contention because of the fact that had Arjun Singh really seen the concerned workman and others in the act of commission of theft that should have remained imprinted in his memory and there can be no question of his forgetting this state fact. Thus, I come to the conclusion that the evidence of Arjun Singh in domestic enquiry of his having been seen the concerned workman and others in flagaranto-derelicto is not free from any shadow of doubt. S. K. Sinha, the Security Inspector also figures as a witness in the domestic enquiry and he has asserted that Md. Idrish informed them of the theft and that he also informed them that one Arjun Singh had been Ayub Khan, Habib Miah and Govind Ram committing the act of theft in respect of motor of the Driver Hut. He has further stated that Arjun Singh told them that he had seen the above persons carrying the motor. I have already discussed the statement of Arjun Singh and considered its evidentiary value. Sri Sinha was examined in the criminal case as P.W. 3 he did not state that he was reported by Arjun Singh about the commission of offence of theft by the concerned workman and others. He has not stated even that he was reported by Md. Idrish about Arjun Singh having seen the concerned workmen committing the act of theft. Md. Idrish was not examined in the domestic enquiry in the criminal trial he figures as P.W. 5. But he did not state thereof his having been reported by Arjun Singh about commission of the offence of theft by the concerned workman and others.

12. Much ado has been made of the confessional statement of Leyakat Hussain while in police custody. This confessional statement has not been produced either in the domestic enquiry or in the criminal trial. In the domestic enquiry both S. K. Sinha, Security Inspector and Kul Bahadur, Havildar, claimed that Leyakat Hussain made a confessional statement before the police involving the concerned workman in the commission of crime of theft. But S. K. Sinha has not stated in the criminal trial about Leyakat Hussain's confessional statement before the police which laid to the recovery of the stolen property. Kul Bahadur has not been examined at all in the criminal trial. Thus, it is very difficult to believe that Leyakat Hussain had made any disclosure or confessional statement to the police regarding the stolen property. As a motor of fact S. K. Amruddin Khan who figures as PW-7 in criminal trial stated that on 5-3-74 at about 7 P.M. he alongwith S.I of Police reached Driver Hut alongwith

Constable, R. Mistry, Driver of the company, Security Officer and when passing through Chainpur Road and reached near Phansitand he found 5-6 persons sitting beside the road and these persons were arrested and they pointed out the motor pump which was recovered. He has not stated that Leyakat Hussain one of such persons who pointed out the motor pump. Consider all these facts and circumstances I am not at all satisfied to come to the conclusion that Leyakat Hussain made any confessional statement while in police custody which led to the recovery of stolen property. Consequently the question of the so-called confessional statement of Leyakat Hussain lending assuance to evidence of Arjun Singh which is as porus as a leaky boat in so far as his having seen the concerned workman and others committing the act of theft, does not arise. The conclusion is reached that the finding of the Enquiry Officer about the involvement of the concerned workman in committing theft in respect of the property of the management is not sustainable.

13. Accordingly, the following award is passed—the action of the management of West Bokaro Colliery of M/s. Tata Iron and Steel Co. Ltd., Post Office Ghatotand, Dist. Hazaribagh in dismissing Ayub Khan from service with effect from 7th September, 1974 is not justified. The order of his dismissal from service in hereby set aside. The management is directed to reinstate the concerned workman in service with effect from 3-6-1978 with back wages and he should be given continuity in service treating his absence for the period from 7-9-74 to 3-6-78 as leave without pay.

In the circumstances of the case I award no cost.

Sd/-

S. K. MITRA, Presiding Officer

[No. L-20012/59/78-D.III(A)/D.IV (A)]

का. आ. 3215.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स इण्डियन आयरन एण्ड स्टील कम्पनी का चासनाला कोलियरी के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण संख्या 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-9-88 को प्राप्त हुआ था।

S.O. 3215.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal No. 2, Dhanbad shown in the Annexure in the industrial dispute between the employers in relation to the Chasnalla Colliery of IISCO and their workmen, which was received by the Central Government on the 26th September, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

Reference No. 187 of 1986

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Chasnalla Colliery of Messrs. Indian Iron & Steel Company Limited and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri C. S. Choubey, Joint General Secretary Coalfield Labour Union.

On behalf of the employers.—Shri Mohit Mukherjee Manager (Personnel).

STATE : Bihar. INDUSTRY : Coal.

Dated, Dhanbad, the 19th September, 1988

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers confered on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (403)/85-D. III(A), dated, the 21st May, 1986.

THE SCHEDULE

"Whether the demand of Coalfields Labour Union that the workmen of Chasnalla Colliery of M/s. IISCO. Ltd., whose names are given below, should be given by the management proper designation and pay scale in accordance with the work actually being performed by them on time-rated basis is justified ? If so, to what relief are these workmen entitled ?"

ANNEXURE

Sl. No.	Name
1.	Shri B. P. Prasad Jaina
2.	,, Mangaru Jaiswara
3.	,, Maheshware Pradhan
4.	,, Sadhu Satnami
5.	,, Lakshman Satnami
6.	,, Shri Chhatradhari Yadav
7.	,, Shri Sarju Singh
8.	,, Shri Munilal Passi
9.	,, Munsi Pandit
10.	,, Kefal Sao.
11.	,, Md. Ishaque Khan
12.	,, Badri Singh
13.	,, Matura Singh
14.	,, Mundrika Singh
15.	,, Mohan Napit
16.	,, Peethamber Paswan.

Soon after the receipt of the order of reference the same was registered. Thereafter both the parties made their appearance and filed their respective W. S. After conclusion of the oral evidence the case was fixed for arguments. But subsequently instead of arguing the case, both the parties appeared and filed petition of compromise. I heard the parties on the said petition of compromise and I find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly, I accept the said petition of compromise and pass an Award in terms of the said petition of compromise which forms part of the Award as Annexure.

Sd/-

I. N. SINHA, Presiding Officer

[No. L-20012/403/85-D.III(A)/D.IV(A)]

K. J. DYVA PRASAD, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

Reference No. 187/86

PARTIES :

Employers in relation to the Management of Chasnalla Colliery of M/s. Indian Iron and Steel Company Limited;

AND

Their workmen

PETITION OF COMPROMISE

The parties beg to submit as follows :—

That during the pendency of the above Reference, negotiation started between the parties with a view the resolve the dispute amicably. After considering certain pronosals and counter proposals, which were examined at different

levels, finally the parties have agreed to the following terms to resolve the dispute :—

TERMS OF SETTLEMENT

(1) It is agreed that Shri Pitambar Paswan, P. No. 7997, General Mazdoor, Category II, shall be designated and placed as Mason in Category IV.

2. It is agreed to redesignate Shri Mohan Nupit P. No. 6659, SBSG, Category IV, as Line Mistry in his existing basic wages and Category & scale of pay.

(3) It is agreed to place Shri Chatradhari Yadav, P. No. 91777, Group III Loader as Cap. Lamp Mazdoor in Daily Rated Category II.

(4) It is also agreed to place the following employees from Piece-rated Group III to General Mazdoor (Underground), in Category II (Daily Rated) :—

S/No.	Name	P. No.	Designation	Group
(i)	S/Sri Mangru Jaiswara	91718	Loader	III
(ii)	Bipra Jena	91812	,,	III
(iii)	Maheswar Pradhan	91841	,,	III

(5) It is agreed to designate Shri Mundrika Singh, P. No. 6961, Pick Miner, Group VA, as Coal Circuit Mazdoor in Category III (Daily Rated).

(6) It is agreed to protect Group wages including Special Piece-rate Allowance in respect of Piece-rated employees. However, it is also agreed that above mentioned employees shall not claim any arrear wages or any other financial benefit, whatsoever may be, for the period prior to the date of signing of this settlement.

(7) The above placement/redesignation shall come into force with effect from 21-9-1988 and concerned employees shall be posted at Upper Seam, Chasnalla Colliery except the case of serial No. 5 as mentioned above. Their next date of annual increment shall fall due on 21-9-1989.

(8) It is agreed by the parties that this settlement will resolve all disputes relating to Reference Number 187/86, fully and finally i.e. in respect of Shri Bipra Jena and 15 others. It is also agreed by the Union to drop the cases in respect of other employees as described in above Reference besides the above mentioned employees covered in this settlement.

Since the terms of compromise is fair and reasonable and the dispute is settled amicably to the satisfaction of the parties, it is prayed that the Hon'ble Tribunal will be pleased to record this compromise and give its Award in terms thereof and a copy of compromise may kindly be treated as a part of the Award.

For & on behalf of the Workmen :
(C. S. CHOUBEY),
Joint General Secretary,
Coalfield Labour Union,
Chasnalla.
For and on behalf of the Employers
(R. PAUL),
Dy. Manager (Personnel, Chasnalla.

नई दिल्ली 11 अक्तूबर, 1988

का. आ. 3216.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस. जी. बी. के मैंगजीन माइन्स आफ मैसर्स उड़ीसा,—माइनिंग कारपोरेशन लि. एटा/पो. ओ. गुरुदा वाया जोड़ा, जिला क्योंझर (उड़ीसा) के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों की बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, भुवनेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-10-88 को प्राप्त हुआ था।

New Delhi, the 11th October, 1988

S.O. 3216.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SGBK Manganese Mines of M/s. Orissa Mining Corporation Ltd., At/po Guruda, Via Joda, District Keonjhar (Orissa) and their workmen, which was received by the Central Government on the 4th October, 1988.

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESHWAR
Industrial Dispute Case No. 12 of 1986 (Central)

Dated Bhubaneswar, the 22nd September, 1988

BETWEEN

The Management of SGBK Manganese Mines of M/s. Orissa Mining Corporation Limited, At/P.O. Guruda Via-Joda, Distt. Keonjhar.

.....First Party-Management.

(Vs)

Their workman Md. Mustaquim,
At-Tungru Hutting P.O. Curuda,
Via-Joda, Dist. Keonjhar.

.....Second Party—Workmen.

APPEARANCES :

Sri G. K. Mitra, Labour Welfare Officer ..For the First Party—Management.

Sri B. Khillar..For the Second Party—Workman.

AWARD

1. The reference by the Government of India, Ministry of Labour in exercise of powers conferred upon them under section 10(1)(d) and Section 10(2A) of the Industrial Disputes Act, 1947 and by their Order No. L-27012/18/85-D.-III(B) dated 30th September, 1986 has been made for adjudication of the following dispute between the employer in relation to the Management of SGBK Manganese Mines of M/s. Orissa Mining Corporation Limited (for short, Mining Corporation) and their workman named in the schedule of reference:—

SCHEDULE

"Whether the action of the management of SGBK Manganese Mines of M/s. Orissa Mining Corporation Limited, At/P.O. Guruda, Via-Joda, Dist. Keonjhar (Orissa) in terminating the services of Md. Mostaquim Helper is justified ? If not, to what relief is the workman entitled ?"

2. The S.G.B.K. Mines, which is a Manganese Ore Mines, was being operated by M/s. Serajuddin & Co. under a lease granted by the Government of Orissa. On expiry of the period of lease, M/s. Serajuddin & Co. applied for renewal of the same but it was refused. Ultimately, with a view to operate the Mines in public sector, the State Government through its Senior Mining Officer took over its possession on 28-5-1982 (Ext. A). In accordance with a Government decision, the mining area was made over to the Orissa Mining Corporation Ltd., a Government of Orissa Corporation to operate the mines as the agent of the State Government. Pursuant to this decision, possession of the Mines was made over to the Mining Corporation for raising Manganese and iron ores on 8-6-1982 (Ext. 2). The Corporation commenced work in the mines with effect from 18-6-1982 (Ext. 3). One of the consideration for which the State Government decided that the mines is to be operated by the Mining Corporation as an Agent of the State was to provide employment to the workers engaged in the mines by the ex-lessee (Ext. A).

The Mining Corporation with a view to commence work in the mines from 18-6-1982, issued notice Ext. 3 on 17-6-82 for information of the employees working in the concerned

mines previously that recruitment for new appointment by the Mining Corporation of such previous workers would start from 18-6-1982 and therefore eligible persons may contact the Mines Manager of the concerned mines for such appointment within three days of the display of the notice on the notice board. Appointment letters were also issued to such workmen as evidenced by Ext. B series, temporarily appointing them for a period of 60 days from 18-6-1982 which was extended from time to time without any interruption untill 19-6-1984 when 57 of such employees were disengaged on the ground that their services were no-longer required and they were surplus (Ext. 1).

The second party-workman in this proceeding is a Helper whose name is at Sl. 3 of the order of retrenchment Ext. 1. After this order was issued and given effect to, dispute was raised leading to the present reference.

3. The second party-workman challenged the order of termination as bad on the ground that it was brought about without compliance of the requirements of Section 25-N of the Industrial Disputes Act and further that in fact, he was not a surplus workman to be retrenched.

4. The First Party, namely, the Management of the Mining Corporation filed written statement stating the circumstances under which the second party workman was found surplus and as such was liable to be retrenched. In paragraph 5, 6 and 7 of its written statement, it stated that though the mines was handed over to the mining Corporation in June, 1982, the mining machinery, workshop tools and other implements for operating the mines were not handed over and therefore, the mechanical staff in the mines were paid idle wages. Beside, in the absence of a least in favour of the Mining Corporation and on account of fall of demand of Manganese ore during the period from 1982 to 1984, the stock of Manganese ores in the SGBK mines increased necessitating reduction of production. A large number of Helpers appointed by the ex-lessee also remained idle. Under the aforesaid situation, the Corporation suggested to the workers union that 117 employees of the ex-lessee who had been sitting idle and were being paid idle wages should be retrenched. After protracted discussion between the Workers Union and the Management of the Corporation, it was ultimately mutually agreed that 71 persons should be retrenched. These 71 persons included 15 persons who had attained the age of superannuation and out of the rest 56, 18 persons were to be given fresh appointments only after they registered their names in the local employment exchange and appeared for test and interview. Accordingly, a bi-partite agreement was entered into and signed on behalf of the Mining Corporation and the members of the Workers Union representing the workman of the SGBK mines on 16-6-1984.

It may be stated here that the services of the workman in this proceeding Md. Mustaquim was not terminated on the ground that he had attained the age of superannuation. His services were terminated as being surplus.

The plea of the Management of the Mining Corporation with regard to the compliance of the provisions of Section 25-M of the Industrial Disputes Act is that since the retrenchment was brought about under an agreement, one month noitce prior to retrenchment was not necessary and besides, the workman has been paid his salary for one month at the time of retrenchment which should be taken as retrenchment compensation paid to him at the rate of his 15 days wages for one year of completed service.

5. On the pleadings of the parties, the issues which arisen for consideration in this proceeding are :—

(i) Whether there has been compliance of section 25-N of the Industrial Disputes Act on or prior to the date when the second party-workman was retrenched ?

(ii) If retrenchment of the workman as a surplus labourer was justified ?

(iii) If the retrenchment of the workman was illegal and invalid, to what relief he is entitled ?

6. The workman examined as WW1 in this proceeding stated on oath that he was no served wih any retrenchment notice before he was retrenched. WW1, the Senior Mining Officer of the State Government stationed at Joda stated that be made over possession of the SGBK Manganese mines which had been taken over from M|s. Sirajuddin & Co. to the Mining Corporation but the machineries of the mines belonging to M|s. Serajuddin & Co. were not delivered to the Mining Corporation because the inventory thereof had not been completed. MW2, the General Manager of the Mining Corporation stated that he tookover possession of the SGBK mines and at that time the employees of the said mines had been sitting idle. Those employees as per the Government decision were given temporary employment and were issued appointment orders like Exts.B series. He stated during his cross-examination that he had no knowledge if any retrenchment notice had been isued to the workman prior to their retrenchment. MW3 who was the manager of the mines in question stated that after the mines was taken possession of, on the instruction of the State Government, the Mining Corporation started giving temporary appointments to the employees of M|s. Serajuddin Company who had been laid off by the said Company. We also stated that from 1982 to 1984 those employees were allowed to continue in service although there was no work for them because of non-availability of mining machineries and this was done according to him on humanitarian grounds. He stated that in 1984 they worked out the number of surplus staff in the mines and found that there were 117 of them but on the basis of the settlement with the Union, they retrenched only 57 workers. He proved the statement marked Ext.-D in this proceeding. He stated that as per the terms of the settlement, all the retrenched workmen were paid their one month salary. He denied the suggestion made to him that after termination of employment of these workmen they appointed new persons in their place. He specifically denied this with regard to the helpers who had been retrenched. Admittedly no notice prior to retrenchment was served on the workman and according to the management it was not served because the retrenchment was brought about on the basis of a bipartite agreement. He admitted that no notice was send to the appropriate Government regarding surplusage of the staff engaged in the mines.

Admittedly, there being retrenchment of this workman and others who had been in continuous service for not less than one year under the Mining Corporation, and the Mining Corporation or the SGBK Manganese mines being an industrial establishment in which not less than 100 workman were employed on average per working day for the preceding 12 months, the provisions of Section 25-N of the Industrial Disputes Act is attracted.

Section 25-N povides :—"No workman employed in any industrial establishment to which this Chapter applies, who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until :—

(a) the workman has been given three months, notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice, and

(b) the prior permission of the appropriate Government or such authority as may be specified by that Government by notification in the Official Gazette, (hereinafter in this section referred to as the specified authority) has been obtained on an application made in this behalf.

(2) An application for permission under sub section (1) shall be made by the employer in the prescribed manner stating clearly the reasons for the intended retrenchment and a copy of such application shall also be served simultansiously on the workmen concerned in the prescribed manner.

(3) Where an application for permission under sub-section (1) has been made, the appropriate Government or the specified authority, after making such enquiry as it thinks fit and after giving a reasonable opportunity of being heard

to the employer, the workmen concerned and the persons interested in such retrenchment, may, having regard to the genuineness and adequancy of the reasons stated by the employer, the interests of the workman and all other relevant factors, by order and for reasons to be recorded in writing, grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workmen.

(4) Where an application for permission has been made under sub-section (1) and the appropriate Government or the specified authority does not communicate the order granting or refusing to grant permission to the employer within a period of sixty days from the date on which such application is made the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.

(5) An order of the appropriate Government or the specified authority granting or refusing to grant permission shall, subject to the provisions of sub-section (6), be final and binding on all the parties concerned and shall remain in force for one year from the date of such order.

(6) The appropriate Government or the specified Authority may, either on its own motion or on the application made by the employer or any workman, review its order granting or refusing to grant permission under sub-section (3) or refer the matter or, as the case may be, cause it to be referred, to a Tribunal for adjudication :

Provided that there a reference has been made to a Tribunal under this sub-section, it shall pass an Award within a period of thirty days from the date of such reference.

(7) Where no application for permission under sub-section (1) is made, or where the permission for any retrenchment has been refused, such retrenchment shall be deemed to be illegal from the date on which the notice of retrenchment was given to the workman and the workman shall be entitled to all the benefits under any law for the time being inforce as if no notice had been given to him.

(8) Notwithstanding anything contained in the foregoing provisions of this section, the appropriate Goverment may, if it is satisfied that owing to such exceptional circumstances as accident in the establihment or death of the employer or the like, it is necessary so to do, by order, direct that the provisions of sub-section (1) shall not apply in relation to such establishment for such period as may be specified in the order.

(9) Where permission for retrenchment has been granted under sub-section (3) or where permission for retrenchment in deemed to be granted under sub-section (4), every workman who is employed in that establishment immediately before the date of application for permission under this section be entitled to receive, at the time of retrenchment, compensation which shall be equivalent to fifteen days average pay for every completed year of continuous service or any part thereof in excess of six months."

The conditions precedent to the retrenchment of the workman as provided in Section 25-N have admittedly not been complied by the Mining Corporation. It has been argued on behalf of the Mining Corporation that the provisions contained in Section 25-N of the Act which stipulates that notice is necessary if the retrenchment is under an agreement and in the instant case the services of the second party workman having been terminated on the basis of an agreement he was not entitled to a notice prior to his retrenchment.

I do not understand as to why Section 25-N should be read alongwith Section 25-F so far as the present case is concerned.

Assuming that Section 25-F is applicable to the present case it does not help the Corporation if any manner. It reads :—

25-F Conditions percedent to retrenchment of workmen :—

"No workmen employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employed until—

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;

Provided that no such notice shall be necessary if the retrenchment is under an agreement which specfies a date for the termination of service;

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette."

The proviso to Section 25-F (a) was omitted by the Act 49 of 1984 with effect from 18th August, 1984. The retrenchment of the workmen having been effected on 19-6-1984, the proviso comes up for consideration in the present case.

7. The Management of the Mining Corporation relies upon Ext. D as the agreement and contends that on account of existence of this agreement Ext. D, notice prior to retrenchment on the workman was not necesary.

Ext. D dated 16-6-1984 which has been signed by the represenatives of the Mining Corporation and by some persons as the representatives of the Orissa Mining Workers Union has been described as "minutes of discussion" and not as an agreement or settlement. Assuming that Ext. D is an agreement, the Management can not press it into its service because in Ext. D no date has been specified for termination of employment of the workman. Nowhere in Ext. D it has been mentioed that the services of the workman would be terminated with effect from 19-6-84.

Apart from this, Ext. D can not be said to be an agreement between the workman and the Management relating to termination of his services.

Industrial Law recognises settlement of industrial disputes between the parties. Section 2(p) of the Industrial Disputes Act definies a settlement in the following manner:—

> 2(p) : "Settlement" means a settlement arrived at in the course of conciliation proceeding, and includes a written agreement between the employer and, workman arrived at otherwise than in the course of conciliation proceeding where such agreement has been signed by the parties thereto in such manner as may be prescribed and a copy thereof has been sent to an officer authorised in this behalf by the appropriate Government and the concilation officer."

The aforesaid definition thus, includes a written agreement between the employer and the workmen (themselves or through the representatives of their Union) arrived privately, where such agreement has been signed by the parties thereto (or by their representatives) in such manner as prescribed and a copy thereof has been sent to the appropriate government.

Rules 58 of the Industrial Disputes (Central) Rules provides that a settlement arrived at in the course of conciliation proceedings or otherwise, shall be in Form 'H' Ext. D has not been drawn up in Form 'H'. Sub-rule 4 of Rule 58 provides that where a settlement is arrived at between an employer and his workman otherwise than in the course of conciliation proceeding before a Board or a Conciliation Officer, the parties to the settlement shall jointly send a copy thereof to the Central Government, the Chief Labour Commissioner (Central) New Delhi, and Regional Labour Commissioner (Central) and to the Assistant Labuor Commissioner (Central) concerned. Admittedly, the copy of Ext. D has not been sent to any of these authorities by either party.

In the circumstance, apart from the fact that there is no evidence before me as to whether the persons who signed Ext. D as the representatives of the Workers Union,

were in fact, the representatives of the said Union and as such were authorised to enter into any agreement with the Management of the Mining Corporation on the question of termination of the services of the workmen. Ext. D by no stretch of imagination can be said to be an 'agreement' as envisaged by the proviso to Section 25-F (a) so as to entitled the Management of the Mining Corporation to dispense with the requirement of service of statutory notice on the workmen prior to his retrenchment.

8. On behalf of the Management-Corporation, it has been urged that the workman has been paid his salary for one month on retrenchment and the same should be treated as retrenchment compensation. I do not think, such a contetion is acceptable because the Management has paid the said amount in lieu of notice to which the workman was entitled u/s 25-F(a) of the Industrial Disputes Act. If this amount was paid as retrenchment compensation, then it has got to be held that there was no notice or no payment in lieu of notice. Looked from whatever angle, there has been non-compliances of the provisions of Section 25-F, if it is applicable.

Thus, on the aforesaid analysis, it has got to be held that the retrenchment of the second party-workman is invalid and inoperative.

9. With regard to the issue as to whether the second party-workman was a surplus labourer to be retrenched, there is no evidence before me except the bare oral statement of M.W. 3 that he was surplus which has been denied by the workman. In the circumtances, it is not possible to hold that the second party was a surplus labourer and as such he was liable to be retrenched.

10. Now coming to the question of relief, in the circumstances of this case, I do not think, there can be any other order than an order for reinstatement of the second party-workman. Keeping in view of the circumstances that he was an employee of the ex-lessee M/s. Serajuddin & Co. and was employed temporarily by the Mining Corporation on compassionate ground and also considering the fact that the Mining Corporation faced difficulties in operating the mines for different reasons and also its financial viability. I think, it will meet the ends of justice if the second party-workman who rendered no service to the corporation since after his retrenchment is allowed 50 per cent of his wages last drawn by him from the date of his retrenchment till he is re-employed. If at all he is found to be surplus labourer, the Management of the Corporation is free to retrench him in accordance with law.

10. The reference is answered accordingly.

Transcribed to my dictation and corrected by me.

Sd/-

S. K. MISRA, Presiding Officer

[No. L-27012/18/85-D.III(B)]

का. आ. 3217.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस० जे० बी० के० मैंगनीज माइन्स ग्रुप ऑफ मैसर्स उड़ीसा माइनिंग कारपोरेशन लि., पो./पो. ओ. गुरुड़ा बाया जोड़ा जिला, क्योंझर (उड़ीसा) के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रौद्योगिक अधिकरण, भुवनेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-10-88 को प्राप्त हुआ था।

S.O. 3217.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SGBK Manganese Mines of M|s. Orissa Mining Corporation Limited, At|Po. Guruda, Via-Jada, District Keonjhar (Orissa) and their workmen, which was received by the Central Government on the 4th September, 1988.

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

Industrial Dispute case No. 15 of 1986 (Central).

Dated, Bhubaneswar, the 23rd September, 1988

BETWEEN :

The Management of SGBK Manganess Mines of M|s. Orissa Mining Corporation Limited, At|P.o. Guruda, Via-Joda, Dist. Keonjhar.

...First Party-Management.

(Vrs.)

Their workman Sri Tulsiram Adhikar, At|Po. Bansapani, Via-Joda, Dist. Keonjhar.

...Second Party-Workman.

APPEARANCES :

Sri G. K. Mitra, Labour Welfare Officer. ..For the First Party-Management.

Sri B. Khillar ..For the Second Party-Workman.

AWARD

1. This reference by the Government of India, Ministry of Labour in exercise of powers conferred upon them under section 10(1)(d) and Section 10(2-A) of the Industrial Disputes Act, 1947 and by their Order No. L-27012|30|85-D. III(B) dated 11th November, 1985 has been made for adjudication of the following dispute between the employer in relation to the Management of SGBK Manganese Mines of M|s. Orissa Mining Corporation Limited (for short, Mining Corporation) and their workman named in the schedule of reference :—

SCHEDULE

"Whether the action of the Management of SGBK Manganese Mines of M|s. Orissa Mining Corporation Limited, At|PO. Guruda, Via-Joda, Dist. Keonjhar (Orissa) in terminating the services of Sri Tulsiram Adhikar, Chowkidar is justified ? If not, to what relief is the workman entitled ?"

2. The S.G.B.K. Mines, which is a Manganese Ore Mines, was being operated by M|s. Serajuddin & Co. under a lease granted by the Government of Orissa. On expiry of the period of lease, M|s. Serajuddin & Co. applied for renewal of the same but it was refused. Ultimately with a view to operate the Mines in public sector, the State Government through its Senior Mining Officer took over its possession on 28-5-1982 (Ext. A). In accordance with a Government decision, the mining area was made over to the Orissa Mining Corporation Ltd., a Government of Orissa Corporation to operate the mines as the agent of the State Government. Pursuant to this decision, possession of the Mines was made over to the Mining Corporation for raising Manganese and iron ores on 8-6-1982 (Ext. 2). The Corporation commenced work in the mines with effect from 18-6-1982 (Ext. 3). One of the consideration for which the State Government decided that the mines is to be operated by the Mining Corporation as an Agent of the State was to provide employment to the workers engaged in the mines by the ex-lessee (Ext. A).

The Mining Corporation with a view to commence work in the mines from 18-6-1982, issued notice Ext. 3 on 17-6-1982 for information of the employees workingg in the concerned mines previously that recruitment for new appointment by the Mining Corporation of such previous workers would start from 18-6-1982 and therefore eligible persons may contact the Mines Manager of the concerned mines for such appointment within three days of the display of the notice on the notice board. Appointment letters were also issued to such workmen as evidenced by Ext. B series, temporarily appointing them for a period of 60 days from 18-6-1982 which was extended from time to time without any interruption until 19-6-1984 when 57 of such employees were disengaged on the ground that their services were no-longer required and they were surplus (Ext. 1).

The second party-workman in this proceeding is a Chowkidar whose name is at Sl. 42 of the order of retrenchment Ext. 1. After this order was issued and given effect to, dispute was raised leading to the present reference.

3. The second party-workman challenged the order of termination as bad on the ground that it was brought about without compliance of the requirement of Section 25-N of the Industrial Disputes Act and further that in fact, he was not a surplus workman to be retrenched.

4. The First Party, namely, the Management of the Mining Corporation filed written statement stating the circumstances under which the second party workman was found surplus and as such was liable to be retrenched. In paragraphs 5, 6 and 7 of its written statement, it stated that though the mines was handed over to the Mining Corporation in June, 1982, the mining machinery, workshop tools and other implements for operating the mines were not handed over and therefore, the mechanical staff in the mined were paid idle wages. Besides, in the absence of a lease in favour of the Mining Corporation and on account of fall of demand of Manganese ore during the period from 1982 to 1984, the stock of Manganese ores in the SGBK mines increased necessitating reduction of production. A large number of Chowkidars appointed by the ex-lessee also remained idle. Under the aforesaid situation, the Corporation suggested to the workers Union that 117 employees of the ex-lessee who had been sitting idle and were being paid idle wages should be retrenched. After protracted discussion between the workers union and the Management of the Corporation, it was ultimately mutually agreed that 71 persons should be retrenched. These 71 persons included 15 persons who had attained the age of superannuation and out of the rest 56, 18 persons were to be given fresh appointments only after they registered their names in the local employment exchange and appeared for test and interview. Accordingly, a bi-partite agreement was entered into and signed on behalf of the Mining Corporation and the members of the Workers Union representing the workmen of the SGBK mines on 16-6-1984.

It may be stated here that the services of the workman in this proceeding Sri Tulsiram Adhikar was not terminated on the ground that he had attained the age of superannuation. His services were terminated as being surplus.

The plea of the Management of the Mining Corporation with regard to the compliance of the provisions of Section 25-N of the Industrial Disputes Act is that since the retrenchment was brought about under an agreement, one month notice prior to retrenchment was not necessary and besides, the workman has been paid his salary for one month at the time of retrenchment which should be taken as retrenchment compensation paid to him at the rate of his 15 days wages for one year of completed service.

5. On the pleadings of the parties, the issues which arise for consideration in this proceeding are :—

(i) Whether there has been compliance of Section 25-N of the Industrial Disputes Act on or prior to the date when the second party-workman was retrenched ?

(ii) If retrenchment of the workman as a surplus labourer was justified ?

(iii) If the retrenchment of the workman was illegal and invalid, to what relief he is entitled ?

6. The workman examined as W.W.1 in this proceeding stated on oath that he was not served with any retrenchment notice before he was retrenched. MW.1, the Senior Mining Officer of the State Government stationed at Joda stated that he made over possession of the SGBK Manganese mines which had been taken over from Mls. Serajuddin & Co. to the Mining Corporation but the machineries of the mines belonging to Mls. Serajuddin and Company were not delivered to the Mining Corporation because the inventory thereof had not been completed. M.W. 2, the General Manager of the Mining Corporation stated that he tookover possession of the SGBK mines and at what time the employees of the said mines had been sitting idle. Those employees, as per the Government decision were given temporary employment and were issued appointment orders like Exts. B series. He stated during his cross-examination that he had no knowledge if any retrenchment notice had been issued to the workman prior to their retrenchment. M.W.3 who was the Manager of the mines in question stated that after the mines was taken possession of, on the instruction of the State Government, the Mining Corporation started giving temporary appointments to the employees of Mls. Serajuddin Company who had been laid off by the said Company. He also stated that from 1982 to 1984 those employees were allowed to continue in service although there was no work for them because of non-availability of mining machineries and this was done according to him on humanitarian grounds. He stated that in 1984 they worked out the number of surplus staff in the mines and found that there were 117 of them but on the basis of the settlement with the Union, they retrenched only 57 workers. He proved the settlement marked Ext. D in this proceeding. He stated that as per the terms of the setlement, all the detrenched workmen were paid their one month salary. He denied the suggestion made to him that after termination of employment of these workmen they appointed new persons in their place. He specifically denied this with regard to the Chowkidars who had been retrenched. He admitted that no notice prior to retrenchment was served on the workman and stated that it was not served because the retrenchment was brought about on the basis of a bipartite agreement. He admitted that no notice was sent to the appropriate government regarding surplusage of the staff engaged in the mines.

Admittedly, there being retrenchment of this workman and others who had been in continuous service for not less than one year under the Mining Corporation, and the Mining Corporation or the SGBK Manganese mines being an industrial establishment in which not less than 100 workmen were employed on average per working day for the preceding 12 months, the provisions of Section 25-N of the Industrial Disputes Act is attracted.

Section 25-N provides :—

"No workman employed in any industrial establishment to which this Chapter applies, who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until :—

(a) the workman has been given three months' notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice; and

(b) the prior permission of the appropriate Government or such authority as may be specified by that Government by notification in the Official Gazette, (hereafter in this section referred to as the specified authority) has been obtained on an application made in this behalf.

(2) An application for permission under sub-section (1) shall be made by the employer in the prescribed manner stating clearly the reasons for the intended retrenchment and a copy of such application shall also be served simultaneously on the workmen concerned in the prescribed manner.

(3) Where an application for permission under sub-section (1) has been made, the appropriate Government or the specified authority, after making such enquiry as it things fit and after giving a reasonable opportunity of being heard to the employer, the workmen concerned and the persons interested in such retrenchment, may, having regard to the genuineness and adequacy of the reasons stated by the employer, the interests of the workmen and all other relevant factors, by order and for reasons to be recorded in writing, grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workmen.

(4) Where an application for permission has been made under sub-section (1) and the appropriate Government or the specified authority does not communicate the order granting or refusing to grant permission to the employer within a period of sixty days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.

(5) An order of the appropriate Government or the specified authority granting or refusing to grant permission shall, subject to the provisions of sub-section (6), be final and binding on all the parties concerned and shall remain in force for one year from the date of such order.

6) The appropriate Government or the specified authority may, either on its own motion or on the application made by the employer or any workman, review its order granting or refusing to grant permission under sub-section (3) or refer the matter or, as the case may be, cause it to be referred, to a Tribunal for adjudication :

Provided that there a reference has been made to a Tribunal under this sub-section, it shall pass an Award within a period of thirty days from the date of such reference.

(7) Where no application for permission under sub-section (1) is made, or where the permission for any retrenchment has been refused, such retrenchment shall be deemed to be illegal from the date on which the notice of retrenchment was given to the workman and the workman shall be entitled to all the benefits under any law for the time being in force as if no notice had been given to him.

(8) Notwithstanding anything contained in the foregoing provisions of this section, the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the establishment or death of the employer or the like, it is necessary so to do, by order, direct that the provisions of sub-section (1) shall not apply in relation to such establishment for such period as may be specified in the order.

(9) Where permission for retrenchment has been granted under sub-section (3) or where permission for retrenchment is deemed to be granted under sub-section (4), every workman who is employed in that establishment immediately before the date of application for permission under this section shall be entitled to receive, at the time of retrenchment, compensation which shall be equivalent to fifteen days average pay for every completed year of continuous service or any part thereof in excess of six months."

The conditions precedent to the retrenchment of the workman as provided in Section 25-N have, admittedly, not been complied by the Mining Corporation. It has been argued on behalf of the Mining Corporation that the provisions contained in Section 25-N of the Act have to be read alongwith Section 25-F of the Act which stipulates that no notice is necessary if the retrenchment is under an agreement and in the instant case, the services of the second party-workman having been terminated on the basis of an agreement he was not entitled to a notice prior to his retrenchment.

I do not understand as to why Section 25-N should be read alongwith Section 25-F so far as the present case is concerned.

Assuming that Section 25-F is applicable to the present case, it does not help the Corporation in any manner. It reads :—

25-F.—Conditions precedent to retrenchment of workmen—"No workmen employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice :

Provided that no such notice shall be necessary if the retrenchment is under an agreement which specified a date for the termination of service ;

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months ; and

(c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette."

The proviso to Section 25-F (a) was omitted by the Act 49 of 1984 with effect from 18th August, 1984. The retrenchment of the workmen having been effected on 19-6-1984, the proviso comes up for consideration in the present case.

7. The Management of the Mining Corporation relies upon Ext. D as the agreement and contends that on account of existence of this agreement Ext. D, notice prior to retrenchment on the workman was not necessary.

Ext. D dated 16-6-1984 which has been signed by the representatives of the Mining Corporation and by some persons as the representatives of the Orissa Mining Workers Union has been described as "minutes of discussion" and not as an agreement or settlement. Assuming that Ext. D is an agreement, the Management can not press it into its service because in Ext. D no date has been specified for termination of employment of the workman. Nowhere in Ext. D it has been mentioned that the services of the workman would be terminated with effect from 19-6-84.

Apart from this, Ext. D cannot be said to be an agreement between the workman and the Management relating to termination of his services.

Industrial Law recognises settlement of industrial disputes between the parties. Section 2(p) of the Industrial Disputes Act defines a settlement in the following manner :—

2(p). "Settlement" means a settlement arrived at in the course of conciliation proceedings, and includes a written agreement between the employer and, workman arrived at otherwise than in the course of conciliation proceedings where such agreement has been signed by the parties thereto in such manner as may be prescribed and a copy thereof has been sent to an officer authorised in this behalf by the appropriate Government and the conciliation officer."

The aforesaid definition thus, includes a written agreement between the employer and the workmen (themselves or through the representatives of their Union) arrived privately, where such agreement has been signed by the parties thereto (or by their representatives) in such manner as prescribed and a copy thereof has been sent to the appropriate government. Rules 58 of the Industrial Disputes (Central) Rules provides that a settlement arrived at in the course of conciliation proceedings or otherwise, shall be in Form 'H'. Ext. D has not been drawn up in Form 'H'. Sub-rule 4 of Rule 58 provides that where a settlement is arrived at between an employer and his workmen otherwise than in the course of concillation proceeding before a Board or a Conciliation Officer, the parties to the settlement shall jointly send a copy thereof to the Central Government, the Chief Labour Commissioner (Central) New Delhi, and Regional Labour Commissioner (Central) and to the Assistant Labour Commissioner (Central) concerned. Admittedly, the copy of Ext. D has not been sent to any of these authorities by either party.

In the circumstance, apart from the fact that there is no evidence before me as to whether the persons who signed Ext. D as the representatives of the Workers Union, were in fact, the representatives of the said Union and as such were authorised to enter into any agreement with the Management of the Mining Corporation on the question of termination of the services of the workmen, Ext. D by no stretch of imagination can be said to be an agreement' as envisaged by the proviso to Section 25-F (a) so as to entitle the Management of the Mining Corporation to dispense with the requirement of service of statutory notice on the workman prior to his retrenchment.

8. On behalf of the Management-Corporation, it has been urged that the workman has been paid his salary for one month on retrenchment and the same should be treated as retrenchment compensation. I do not think, such a contention is acceptable because the Management has paid the said amount in lieu of notice to which the workman was entitled U/s. 25-F(a) of the Industrial Disputes Act. If this amount was paid as retrenchment compensation, then it has got to be held that there was no notice or no payment in lieu of notice. Looked from whatever angle, there has been non-compliance of the provisions of Section 25-F, if it is applicable.

Thus, on the aforesaid analysis, it has got to be held that the retrenchment o fthe second party-workman is invalid and inoperative.

9. With regard to the issue as to whether the second party-workman was a surplus labourer to be retrenched, there is no evidence before me except the bare oral statement of M.W. 3 that he was surplus which has been denied by the workman. In the circumstance, it is not possible to hold that the second-party was a surplus labourer and as such he was liable to be retrenched.

10. Now coming to the question of relief, in the circumstances of this case, I do not think, there can be any other order than an order for reinstatement of the second-party workman. Keeping in view the circumstances that he was an employee of the ex-lessee M/s. Serajuddin & Co. and was employed temporarily by the Mining Corporation on compassionate ground and also considering the fact that the Mining Corporation faced difficulties in operating the mines for different reasons and also its financial viability I think, it will meet the ends of justice if the second-workman who rendered no service to the corporation since after his retrenchment is allowed 50 per cent of his wages last drawn by him from the date of his retrenchment till he is re-employed. If still he is found to be surplus labourer, the Management of the Corporation is free to retrench him in-accordance with law.

11. The reference is answered accordingly.

[No. L-27012/30/85-D.III(B)]

S. K. MISRA, Presiding Officer

का. आ. 3218.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस. जी. बी. के मैनेजीज माइन्स आफ उड़ीसा माईनिंग कार्पोरेशन लि. एट पी. ओ. गुरुडा थाया जोडा, जिला क्योंझर (उड़ीसा) के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण भुवनेश्वर के पंचनट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-10-88 को प्राप्त हुआ था।

S.O. 3218.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of Industrial Tribunal, Bhubaneswar, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SGBK Manganese Mines of M/s. Orissa Mining Corporation Limited, At|PO Guruda, Via-Jada, Distt. Keonjhar (Orissa) and their workmen, which was received by the Central Government on the 4th October, 1988.

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

Industrial Dispute Case No. 13 of 1986 (Central)

Dated Bhubaneswar, the 23rd September, 1988

BETWEEN

The Management of SGBK Manganese Mines of M/s. Orissa Mining Corporation Limited, At|P.O. Guruda, Via-Joda, Dist. Keonjhar — First Party-Management.

AND

Their workmen Sri Ganesh alias Ganeswar Mahanto. At/P.O. Guruda, Via-Joda, Dist. Keonjhar — Second Party-Workman

APPEARANCES :

Sri G. K. Mitra, Labour Welfare Officer—for the First Party-Management.

Sri B. Khullar—for the Second Party-Workman

AWARD

1. This reference by the Government of India, Ministry of Labour in exercise of powers conferred upon them under section 10(1)(d) and Section 10 (2-A) of the Industrial Disputes Act, 1947 and by their Order No. L-27012/19/85-D. III (B) dated 7th October, 1986 has been made for adjudication of the following dispute between the employer in relation to the Management of S.G.B.K. Manganese Mines of M/s. Orissa Mining Corporation Limited (for short, Mining Corporation) and their workman named in the schedule of reference :—

SCHEDULE

"Whether the action of the Management of SGBK Manganese Mines of M/s. Orissa Mining Corporation Limited, At/P.O. Guruda, Via-Joda, Dist. Keonjhar (Orissa) in terminating the services of Shri Ganeswar Mohanta, Mason Helper is justified ? If not, to what relief is the workman entitled ?"

2. The S.G.B.K. Mines, which is a Manganese Ore Mines, was being operated by M/s. Serajuddin and Co. under a lease granted by the Government of Orissa. On expiry of the period of lease, M/s. Serajuddin and Co. applied for renewal of the same but it was refused. Ultimately, with a view to operate the Mines in public sector, the State Government through its Senior Mining Officer took over its possession on 28-5-1982 (Ext. A). In accordance with a Government decision, the mining area was made over to the Orissa Mining Corporation Ltd., a Government of Orissa Corporation to operate the mines as the agent of the State Government. Pursuant to this decision, possession of the Mines was made over to the Mining Corporation for raising Manganese and iron ores on 8-6-1982 (Ext. 2. The Corporation commenced work in the mines with effect from 18-6-1982 (Ext. 3). One of the consideration for which the State Government decided that the mines is to be operated by the Mining Corporation as an Agent of the State was to provide employment to the workers engaged in the mines by the ex-lessee (Ext. A).

The Mining Corporation with a view to commence work in the mines from 18-6-1982, issued notice Ext. 3 on 17-6-1982 for information of the employees working in the concerned mines previously that recumitment for new appointment by the Mining Corporation of such previous workers would start from 18-6-1982 and therefore eligible persons may contact the Mines Manager of the concerned mines for such appointment within three days of the display of the notice on the notice board. Appointment letters were also issued to such workman as evidenced by Exts. B series temporarily appointing them for a period of 60 days from 18-6-1982 which was extended from time to time without any interruption until 19-6-1984 when 57 of such employees were disengaged on the ground that their services were no-longer required and they were surplus.

The second party-workman in this porceeding is a Mason Helper whose name is at Sl. 55 of the order of retrenchment. After this order was issued and given effect to, dispute was raised leading to the present reference.

3. The second party-workman challenged the order of termination as bad on the ground that it was brought about without compliance of the requirement of Section 25-N of the Industrial Disputes Act and further that in fact, he was not a surplus workman to be retrenched.

4. The First Party, namely, the Management of the Mining Corporation filed written statement stating the circumstances under which the second party workman was found surplus and as such was liable to be retrenched. In paragraphs, 5, 6 and 7 of its written statement, it stated that though the mines was handed over to the Mining Corporation in June, 1982, the mining machinery, workshop tools and other implements for operating the mines were not handed over and therefore, the mechanical staff in the mines were paid idle wages. Besides, in the absence of a lease in favour of the Mining Corporation and on account of fall of demand of Manganese Ore during the period from 1982 to 1984, the stock of Manganese Ores in the SGBK mines increased necessitating reduction of production. A large number of Mason Helper appointed by the ex-lessee also remained idle. Under the aforesaid situation, the Corporation suggested to the workers Union that 117 employees of the ex-lessee who had been sitting idle and were being paid idle wages should

be retrenched. After protracted discussion between the workers Union and the Management of the Corporation, it was ultimately mutually agreed that 71 persons should be retrenched. These 71 persons included 15 persons who had attained the age of superannuation and out of the rest 56 18 persons were to be given fresh appointments only after they registered their names in the local employment exchange and appeared for test and interview. Accordingly, a bipartite agreement was entered into and signed on behalf of the Mining Corporation and the members of the Workers Union repsenting the workman of the SGBK mines on 18-6-1984.

It may be stated here that the services of the workman in this proceeding Sri Ganeswar Mohanto was not terminated on the ground that he had attained the age of superannuation. His services were terminated as being surplus.

The plea of the Management of the Mining Corporation with regard to the compliance of the provisions of Section 25-N of the Industrial Disputes Act is that since the retrenchment was brought about under an agreement, one month notice prior to retrenchment was not necessary and besides, the workman has been paid his salary for one month at the time of retrenchment which should be taken as retrenchment compensation paid to him at the rate of his 15 days wages for one year of completed service.

5. On the pleadings of the parties, the issues which arise for consideration in this proceeding are :—

(i) Whether there has been compliance of Section 25-N of the Industrial Disputes Act on or prior to the date when the second party-workman was retrenched ?

(ii) If retrenchment of the workman as a surplus labourer was justified ?

(iii) If retrenchment of the workman was illegal and invalid, to what relief he is entitled ?

6. The workman examined as WW-1 in this proceeding stated on oath that he was not served with any retrenchment notice before he was retrenched. He admitted that he was paid Rs. 150 as compensation. MW-1 the Senior Mining Officer of the State Government stationed at Joda stated that he made over possession of the SGBK Manganese mines which had been taken over from M/s. Serajuddin and Co. to the Mining Corporation but the machineries of the mines belonging to M/s. Serajuddin and Co. were not delivered to the Mining Corporation because the inventory thereof had not been completed. MW-2, the General Manager of the Mining Corporation stated that he tookever possession of the SGBK mines and at that time the employees of the said mines had been sitting idle. Those employees as per the Government decision were given temporary employment and were issued appointment orders like Exts. B series. He stated during his cross-examination that he had no knowledge if any retrenchment notice had been issued to the workman prior to their retrenchment. MW-3 who was the Manager of the mines in question stated that after the mines was taken possession of, on the instruction of the State Government, the Mining Corporation started giving temporary appointments to the employees of M/s. Serajuddin Company who had been laid off by the said Company. He also stated that from 1982 to 1984 those employees were allowed to continue in service although there was no work for them because of non-availability of mining machineries and this was done according to him on humanitarian grounds. He stated that in 1984 they worked out the number of surplus staff in the mines and found that there were 117 of them but on the basis of the settlement with the Union, they retrenched only 57 workers. He proved the settlement marked Ext. D in this proceeding. He stated that as per the terms of the settlement, all the retrenched workmen were paid their one month salary. He denied the suggestion made to him that after termination of employment of those workmen they appointed new persons in their place. He specifically denied this with regard to the Mason Helpers who had been retrenched. Admitted that no notice prior to retrenchment was served on the workman and it is the Management's case that it was not served because the retrenchment was brought about on the basis of a bipartite agreement. He admitted that no notice was sent to the appropriate government regarding surplus age of the staff engaged in the mines.

Admittedly, there being retrenchment of this workman and others who had been in continuous service for not less than one year under the Mining Corporation, and the Mining Corporation or the SGBK Magneses mines being an industrial establishment in which not less than 100 workmen were employed on average per working day for the preceding 12 months, the provisions of Section 25-N of the Industrial Disputes Act is attracted.

Section 25-N provides :—

"No workmen employed in any industrial establishment to which this Chapter applies, who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until :—

(a) the workmen has been given three months' notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice ; and

(b) the prior permission of the appropriate Government or such authority as may be specified by that Government by notification in the Official Gazette (hereinafter in this section referred to as the specified authority) has been obtained on an application made in this behalf.

(2) An application for permission under sub-section (1) shall be made by the employer in the prescribed manner stating clearly the reasons for the intended retrenchment and a copy of such application shall also be served simultaneously on the workmen concerned in the prescribed manner.

(3) Where an application for permission under sub-section (1) has been made, the appropriate Government or the specified authority, after making such enquiry as it thinks fit and after giving a reasonable opportunity of being heard to the employer, the workmen concerned and the persons interested in such retrenchment, may, having regard to the genuineness and adequacy of the reasons stated by the employer, the interests of the workmen and all other relevant factors, by order and for reasons to be recorded in writing, grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workmen.

(4) Where an application for permission has been made under sub-section (1) and the appropriate Government or the specified authority does not communicate the order granting or refusing to grant permission to the employer within a period of sixty days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.

(5) An order of the appropriate Government or the specified authority granting or refusing to grant permission shall subject to the provisions of sub-section (6), be final and binding on all the parties concerned and shall remain in force for one year from the date of such order.

(6) The appropriate Government or the specified authority may, either on its own motion or on the application made by the employer or any workman, review its order granting or refusing to grant permission under sub-section (3) or refer the matter or, as the case may be, cause it to be referred, to a Tribunal for adjudication.

Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an Award within a period of thirty days from the date of such reference.

(7) Where no application for permission under sub-section (1) is made, or where the permission for any retrenchment has been refused, such retrenchment shall be deemed to be illegal from the date on which the notice of retrenchment was given to the workman and the workmen shall be entitled to all the benefits under any law for the time being in force as if no notice had been given to him.

(8) Notwithstanding anything contained in the foregoing provisions of this section, the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the establishment or death of the employer or the like, it is necessary so to do, by order, direct that the provisions of sub-section (1) shall not apply in relation to such establishment for such period as may be specified in the order.

(9) Where permission for retrenchment has been granted under sub-section (3) or where permission for retrenchment is deemed to be granted under sub-section (4), every workman who is employed in that establishment immediately before the date of application for permission under this section shall be entitled to receive, at the time of retrenchment, compensation which shall be equivalent to fifteen days average pay for every completed year of continuous service or any part thereof in excess of six months."

The conditions pracedent to the retrenchment of the workman as provided in Section 25-N have, admittedly, not been complied by the Mining Corporation. It has been argued on behalf of the Mining Corporation that the provisions contained in Section 25-N of the Act have to be read alongwith Section 25-F of the Act which stipulates that no notice is necessary if the retrenchment is under an agreement and in the instant case, the services of the second party-workman having been terminated on the basis of an agreement he was not entitled to a notice prior to his retrenchment.

I do not understand as to why Section 25-N should be read alongwith Section 25-F so far as the present case is concerned.

Assuming that Section 25-F is applicable to the present case, it does not help the Corporation in any manner. It reads :—

25-F. Conditions precedent to retrenchment of workmen—"No workman employed in any industry who has been in contineous service for not less than one year under an employer shall be retrenched by the employer until—

(a) the workman has been given one months' notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice,

Provided that no such notice shall be necessary if the retrenchment is under an agreement which specific date for the termination of service;

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette."

The proviso to Section 25-F(a) was omitted by the Act 49 of 1984 with effect from 18th August, 1984. The retrenchment of the workmen having been effected on 18-6-1984, the proviso comes up for consideration in the present case.

7. The Management of the Mining Corporation relies upon Ext. D as the agreement and contends that on account of existence of this agreement Ext. D, notice prior to retrenchment on the workman was not necessary.

Ext. D dated 16-6-1984 which has been signed by the representatives of the Mining Corporation and by some persons as the representatives of the Orissa Mining Workers Union has been described as "minutes of discussion" and not as an agreement or settlement. Assuming that Ext. D is an agreement, the Management can not press it into its service because in Ext. D no date has been specified for termination of employment of the workman. Nowhere in Ext. D it has been mentioned that the services of the workman would be terminated with effect from 19-6-84.

Apart from this, Ext. D can not be said to be an agreement between the workman and the Management relating to termination of his services.

Industrial law recognises settlement of industrial disputes between the parties. Section 2(p) of the Industrial Disputes Act defines a settlement in the following manner :—

2(p) : "Settlement" means a settlement arrived at in the course of conciliation proceeding, and including a written agreement between the employer and, workman arrived at otherwise than in the course of conciliation proceeding where such agreement has been signed by the parties thereto in such manner as may be prescribed and a copy thereof has been sent to an officer authorised in this behalf by the appropriate Government and conciliation officer."

The aforesaid definition thus, includes a written agreement between the employer and the workmen (themselves or through the representatives of their Union) arrived privately, there such agreement has been signed by the parties thereto (or by their representatives) in such manner as prescribed and a copy thereof has been sent to the appropriate government.

Rules 58 of the Industrial Disputes (Central) Rules provides that a settlement arrived at in the course of conciliation proceedings or otherwise, shall be in Form 'H'. Ext.D has not been drawn up in Form 'H'. Sub-rule 4 of Rule 58 provides that where a settlement is arrived at between an employer and his workmen otherwise than in the coudse of conciliation proceeding before a Board or a Conciliation Officer, the parties to the settlement shall jointly sent a copy thereof to the Central Government, the Chief Labour Commissioner (Central) New Delhi, and Regional Labour Commissioner (Central) and to the Assistant Labour Commissioner (Central) concerned. Admittedly, the copy of Ext.D has not been sent to any of these authorities by either party.

In the circumstance, apart from the fact that there is no evidence before me as to whether the persons who signed Ext.D as the representatives of the Workers Union, were in fact, the representatives of the said Union and as such were authorised to enter into any agreement with the Management of the Mining Corporation on the question of termination of the services of the workmen. Ext. D by no stretch of imagination can be said to be an 'agreement' as envisaged by the proviso to Saction 25-F (a) so as to entitle the Management of the mining Corporation to dispense with the requirement of service of statutory notice on the workman prior to his retrenchment.

8. On behalf of the Management-Corporation, it has been urged that the workman has been paid his salary for one month on retrenchment and the same should be treated as retrenchment compensation. I do not think, such a contention is acceptable because the Management has paid the said amount in lieu of notice to which the workman was entitled u|s 25-F(a) of the Industrial Disputes Act. If this amount was paid as retrenchment compensation, then it has got to be held that there was no notice or no payment in lieu of notice. Looked from whatever angle, there has been non-compliance of the provisions of Section 25-F, if it is applicable.

Thus, on the aforesaid analysis, it has got to be held that the retrenchment of the second party-workman is invalid and inoperative.

With regard to the issue as to whether the second party-workman was a surplus labourer to be retrenched, there is no evidence before me except the bare oral statement of M.W.3 that he was surplus which has been denied by the workman. In the circumstance, it is not possible to hold that the second party was a surplus labourer and as such he was liable to be retrenched.

10. Now coming to the question of relief, in the circumstances of this case, I do not think, there can be any other order than an order for reinstatement of the second party-workman. Keeping in view the circumstances that he was an employee of the ex-lessee M|s Serabuddin & Co. and was employed temporarily by the Mining Corporation on compassionate ground and also considering the fact that the Mining Corporation faced difficulties in operating the mines for different reasons and also its financial viability I think, it will meet the ends of justice if the second party-workman who rendered no service to the corporation since after his retrenchment is allowed 50% of his wages last drawn by him

from the date of his retrenchment till he is re-employed. If at all he is found to be surplus labourer, the Management of the Corporation is free to retrench him in-accordance with law.

S. K. MISRA, Presiding Officer.

[No. L-27012|19|85-D.III(B)]

का. आ. 3219.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स मैसूर मिनरल्स लि. के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचाट को [illegible] करती है, जो केन्द्रीय सरकार को 4-10-88 को प्राप्त हुआ था।

S.O. 3219.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government publishes the award of the Central Government Industrial Tribunal, Bangalore, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M|s. Mysore Minerals Limited and their workmen, which was received by the Central Government on the 4th October, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT BANGALORE

Dated 28th September, 1988

CENTRAL REFERENCE No. 22|87

(Old Central Ref. No. 28|84)

I Party

The President,
Byrapura Chromite
Mine Workers Union,
No. 6, Sree Gokula Building,
H.A.T. Street,
Basavangudi,
Bangalore-560004.

Vs

II Party

The Chairman-cum-Managing
Director, Mysore Minerals Ltd.,
39,Mahatma Gandhi Road,
Bangalore-1.

APPEARANCES :

For the I Party.—Shri D. Leelakrishnan,
Advocate

For the II party.—Shri S. N. Murthy,
Advocate

AWARD

By exercising its powers under Section 10(1)(d) of the Industrial Disputes Act, 1947, the Government of India, Ministry of Labour has made the present reference on the following point of dispute by its Order No. L-29011(24)|84-D.III(B) dated 25th October 1984. The point of reference is as follows.

2. The reference was originally made to the Industrial Tribunal constituted by the Government of Karnataka. Subsequently, it has been transferred to this Tribunal by a General Order No. L-11025|A|87-D.IV(B) dated 13th February, 1987. It is at Sl. No. 23.

POINT OF REFERENCE

Whether the management of Mysore Minerals Limited are justified in not conceding the following demands raised by the Byrapura Chromite Mine Workers Union in respect of the workmen working in Byrapura and Bhakatarahalli Chromite Mines

1. (a) Confirmation|regularisation of workmen,

   (b) Promotion of workmen from one cadre to another cadre on acquiring sufficient experience|talents|skills,

   (c) Enhancement of rates of wages and introduction of monthly pay scales to all the workmen except casual workmen;

2. Payment of Dearness Allowance as per cost of living index figures computed for Hassan to all workmen working in Bhaktarahalli and Byrapura Chromite Mines;

3. Payment of night shift allowance;

4. Payment of Washing Allowance and supply of 2 pairs of socks per year;

5. Grant of 30 days earned leave, 15 days casual leave, 15 days sick leave with full wages and 15 days sick leave with half wages in a year to daily-rated employees at par with the monthly-rated employees;

6. Grant of advance for house construction;

7. Grant of Festival Advance;

8. Introduction of Attendance Bonus Scheme;

9. Constitution of a Grievance Procedure Committee.

3. The I party Union has then filed its claim statement and inter alia it has been contended as follows.

The I party Union has been organised for the benefit of the workers employed in the Byrapura Chromite Mines and Bhakatharahalli Chromite Mines of Chennarayapatna Taluk of Hassan District. The mines are managed by the II party. The I party is a registered trade union. It enjoys the support of almost all the 600 workers of these two mines. The II party ought to have recognised the union, but they have taken an unreasonable stand, in not recognising them. The II party has indulged in unfair labour practice. They have threatened the workers to disassociate with the Union. The II party declared a lock-out on 2-11-1982. They insist that the workers should give illegal undertaking that they will not joint the union.

The management then lifted the lock-out on its own accord on 10-12-82 but refused to pay their wages. There is another reference regarding the wages. Their grievances are not redressed. The I party wrote a letter dated 22-12-1982 with a charater of demands. The II party did not show any inclination to settle the matter. A reminder dated 31-12-1982 was sent. Then the dispute was raised before the Assistant Labour Commissioner Mangalore. There was no possibility of any settlement. Then a notice of strike was served on them. The II party, however, assured that they will hold a meeting. A joint meeting took place on 20-7-1983, but the promised subsequent meeting was never held. A supplementary demand was submitted on 3-8-1983. The conciliation proceedings failed. The Government, however, referred only these point for adjudication. It reserves its right to challenge the validity of the order.

(a) Confirmation|Regularisation of Workmen

Even though the workers employed in the Mines have been working continuously from 5 to 15 years, the management has not confirmed them. According to the certified standing orders which came into force on 8th July 1970, the employees of the Company shall have to be engaged on permanent basis, upon satisfactory completion of 6 months service. There is no provision in the standing orders for extending the probationary period beyond six months. Though these workmen have completed more than six months of probationary period satisfactorily, they have not been confirmed. Though the management is of the State Government undertaking, instead of being a model employer, it has been exploiting them. Over the years they have remained stagnant, without any increment. Those employees who have put in long years of service should be given service weightage or promoted to the next higher grade. The II party is avoiding to implement the labour laws. The workers in similarly situated posts in different mines in the state are being paid more and better wages. It is justified in demanding the following wages.

Categories	In Grade|Scale
Unskilled : Surface workers	Rs. 350-08-390-10-440
Underground workers	Rs. 375-10-425-12-485
Semiskilled : Surface workers	Rs. 400-12-460-14-520
Underground workers	Rs. 450-14-520-16-600
Skilled : Surface workers	Rs. 475-16-555-18-645
Underground workers	Rs. 500-18-590-20-690

Those who have put in more than 6 months of service may be regularised. Those who have put in more than three years of service may be regularised as semi-skilled workers. Those who have put in 5 years of service may be regularised as skilled workers.

(2) Payment of Dearness Allowance

There is no scheme for payment of D.A. to the employees of the II party. There is a particular pattern of D.A. for the employees of the II party at the registered office at Bangalore, whereas the workmen at the mines are not given such D.A. The D.A. paid to the workers is very meagre and does not neutralise the raise in cost of living of the workers. The pattern of D.A. should be changed and they should be paid at the rate of Rs. 1.50 per point for Hassan centre with 1960 as the base year.

(3) Night Shift Allowance

Night shift allowance of Rs. 2 per shift along with two buns and two cups of coffee, free of charge should be given to the workers who work in the night shift. The work during night time is hazardous and they should be paid for the same.

(4) Payment of Washing Allowance etc.

Some of the male workers in the mines working underground are supplied with two sets of uniforms and a pair of shoes once in year. They are not provided with socks and they are not paid any washing allowance. They should be paid washing allowance.

(5) Leave

The workmen claim 30 days of Earned leave, 15 days of Casual Leave, 15 days of Sick Leave with full wages and 15 days of sick leave with half wages in a year. The leave may be on par with the leave granted to the monthly rated employees. There is no uniform leave facility in the II party. Different pattern exists in the head office and different kinds of leave are given to the workers in the mines.

(6) Grant of Advance for House Construction

The II party has introduced house building advance scheme to the employees of the head office and also to the members of the staff of the mines, but the said facility is not extended to the workers. They are justified in demanding the same.

(7) Grant of Festival Advance

The employees in the head office and the members of the staff at the mines are given festival advance, whereas the workers are not given. Their demand for the same is reasonable.

(8) Attendance Bonus Scheme

The I party union proposes that the worker should be paid attendance bonus with a view to reduce absenteeism and to increase productivity. Similar schemes are in existence in other industries.

(9) Constitution of a Grievance Procedure Committee

The code of discipline enjoins on the employer that there should be a grievance procedure committee at unit level for redressing the grievances and problems of the workers. In some other establishments such committees have been working successfully.

The I party Union prays that an award may be passed for the aforesaid demands

3. The II party management has filed its counter statement and inter alia, it is contended as follows.

(a) The charter of demands is not maintainable. The II party extracts minerals at about 30 mines in the state. There are about 3,500 workers in all. The workers are transferable from one mine to another, depending upon the exigencies of work. The II party

cannot have different sets of working conditions for different mines. The claim in respect of the workers of Bhakatarahalli mines is not maintainable. There is no standing market for the mineral ores of the II party. Steel mills of Japan are the main customers. The mineral ore is extracted as per the demands of the customers. It has got more than 40 units, including 30 mines, port yards and stock yards. They cannot have different sets of rules, regulations or service conditions or wages for them. The II party is facing financial constraints and if these demands are conceded, the rates of the mineral ores shall have to be increased by 4 times and consequently there will be no buyer or customer. The demands made by them are unreasonable.

(b) The dispute is not an industrial dispute as defined in Section 2(k) of the I. D. Act, since majority of the workmen have not espoused the cause, nor are they interested in the dispute. The said issue may be tried as a preliminary issue.

(c) Confirmation|regularisation of workmen.

The II party company has framed cadre and recruitment rules in 1982 with a view to regulate the cadre strength and has prescribed qualifications and experience for various posts. At the lowest level, a worker is initially recruited on casual basis, such workers are illiterate and unskilled. They are paid the minimum wages of their cadre as fixed by the Government of India. The scale for casual daily rated worker is Rs. 7|0,25|8.00|0.30|11.00. Earlier to the framing of the cadre and recruitment rules, a casual worker was required to put in a service of three years or more to get himself regularised in the daily rated scale. After the rules came into force, a casual worker is required to be regularised only after two years of service. Then he is paid the basic wages along with D.A. on par with government scale and the same is revised from time to time as per the Government notification. The II party is following the cadre and recruitment rules. There is no need to change the said procedure.

(d) Promotion

All the workers of the mines are illiterate and unskilled. By experience, they acquire some skill. They are classified and promoted to semi-skilled category, depending upon their skill ability and aptitude etc. Literate workers can appear for the examinations held by the Director General of Mines (Safety) under the Mines Act and they may get qualified for further promotion as foreman etc. The question of promoting them without the required qualification does not arise. They will remain as unskilled or semi-skilled. The demand of the I party is not justified.

(e) Enhancement of rate of wages and Introduction of Monthly Pay Scales.

The II party has no capacity to meet the said demand. It is unreasonable. In condition to the minimum wages, other benefits as per the Mines Act and rules are given to them. Bonus is also paid. There is insurance coverage of Rs. 15,000|- on completion of two years of service. By regularising these workers after two years, the II party is put to additional burden of Rs. 6,60,000|- per year. From 1-1-80 to 31-12-80, the minimum wages have been increased from Rs. 5.80 to Rs. 9.75 p. for unskilled worker, from Rs. 7.75 P. to Rs. 12.25 to semi-skilled worker and from Rs. 9.25 P. to Rs. 15|- for skilled worker. For the underground workers, it is increased from Rs. 7.90 P. to Rs. 11.75, from Rs. 10.25 P. to Rs. 14.75 P. and Rs. 14.50 to Rs. 18|- respectively. The company is thus incurring additional financial burden of Rs. 36,66,000|-. In the last three years it has revised D. A. as and when the D. A. of the State Government employees has been increased. It has been increased as many as 18 times. An additional burden of Rs. 43,20,000|- has been incurred by it in 1982-83. The pay scales of all the employees have been increased with effect from 1-7-80 and there is the additional burden of Rs. 12 lakhs from the year 1980-81.

(f) Payment f D.A.

The D.A. is paid at the fixed rate by the State Government from time to time. The demand for further D.A. on the basis of the cost of living index at Hassan is not justified. The II party had no resource to meet the said demand.

(g) Payment of Night Shift Allowance

The demand for night shift allowance is unjustified and unreasonable. They are giving a cup of tea free of charge for all the night shift workers. They are not in a position to consider the said demand.

(h) Payment of Washing Allowance and Supply of Socks.

The II party is giving two pairs of uniforms and one pair of boots per worker per year. The company cannot pay washing allowance. The demand for two pairs of socks per year is unreasonable. The company is not in a position to meet the same.

(i) Leave with wages

The demand of 30 days E.L. 15 C.L., 15 days sick leave full wages and 15 days sick leave with half wages per year is unjust and unreasonable. They are granted leave according to the provisions of the Mines Act. Besides, the fifteen days sick leave with full wages and fifteen days sick leave with half wages is already being granted to them. They are giving 10 days casual leave and 30 days E.L. per year. The daily rated employees are given 15 days sick leave with full wages 15 days sick leave with half wages and after completion of one year, they are given leave as per the Mins Act. If further leave is granted, there will be fall in production.

(j) Grant of Advance in House Construction

Quarters are being given to the employees. There is no provision to provide for house building allowance in the budget. If any employee leaves in the middle, there will be a problem to recover the same from him. Many employees being unskilled, come from nearby villages and they have their own lands and houses. The demand for such advance is unreasonable and unjustified. The II party has no capacity to meet the same.

(k) Grant of Festival Advance

The rules of the Company do not provide for grant of festival advance to the daily rates workers. They are not entitled to the same, because there will be difficulty in recovery.

(l) Attendance Bonus

The management does not find any need for such a scheme. It is not in a position to meet such a demand. Since there are 3,500 empoyees in various mines, the said bonus cannot be granted only to these employees.

(m) Constitution of Grievance Procedure Committee.

The work force in the mines is small. The II party has already appointed a Labour Welfare Officer. It is one of his duties to look into the grievance of the workers. All the problems are directly discussed by the management with the workers.

The averment of the I party that it enjoys the support of all the 600 workers is baseless. It is not a majority union. It has no representative character. It is false that the management took an unreasonable stand and resorted to unfair labour practices. It is baseless that any threats were given to the workers to disassociate from the union. It is baseless to say that they declared a lock-out on 2-11-1982. It is baseless to say that they tried to obtain illegal undertakings from them. It is not relevant that another dispute is pending. It is false that they are exploiting the workers. Rt is false that the workers have remained stagnated. The claim for weightage and promotion is vague. It is denied that they are not giving the statutory benefits and performing obligations. The categories, grades scales demanded by them are unreasonable and unjustified. If they are implemented, the II party would be discriminating against the other workers of other mines. In addition, there is no financial strength to meet the said demands. The demand for weightage is bevond the scope of the reference. The demand for night shift allowance of Rs. 2 with 2 buns and cups of coffee is not reasonable and justifiable. The leave now granted is far more better as compared to any other organisation. It is not correct to state that the II party, is discriminating between the employees in the matter of festival advance. The reference may be rejected.

4. In view of the said pleadings, two additional issues have been raised, as shown below.

1. Whether the claim made by the 1 party Union in respect of the workmen of Bhaktarahalli Mines is not maintainable and liable to be dismissed ?

2. Whether the dispute is not an industrial dispute as this dispute is not espoused by the majority of the workmen of the II party?

5. The management has examined four witnesses and got marked Exs. M-1 to M-142.

6. The President of the I party union has been examined for the I party and Exs. W-1 to W-12 have been got marked.

7. The parties have been heard.

8. My findings on additional issues and point of reference are as follows.

Additional Issue No. 1

No.

Additional Issue No. 2

The dispute regarding which reference has been made is an industrial dispute and it has been properly espoused.

Point of Reference

1. (a) The II party is not justified in not specifically confirming or specifically regularising the workmen. They shall have to be regularised as shown below.

1. (b) The II party is not justified in not promoting the workmen from one cadre to another on acquiring sufficient experience|talents|skills. The management shall have to prepare and bring into effect a scheme providing for the time bound promotion of workmen on attaining experience for a specific term or on gaining certain talent or skill or qualification.

1. (c) The management was not justified in not introducing monthly pay scales to all workmen except casual workmen. The managemfnt shall have to introduce the monthly pay scales as shown below in the order.

2. The management shall have to pay the D.A. as per the present procedure followed by it, on applying the regular monthly scales.

3. The management is justified in note paying night shift allowance.

4. The management is not justified in not paying the washing allowance. It is justified in not supplying 2 pairs of socks.

5. The management is justified in granting various kinds of leave as is being done presently. The workmen are not justified in demanding various kinds of leave as shown in Clause (5).

6. The workmen are not justified in demanding advance for house construction.

7. The workmen are not justified in demanding grant of Festival Advance for the causal or temporary workmen. The management has already granted Festival Advance to permanent workmen.

8. There is no justification for the demand of attendance bonus scheme.

9. There is no justification for the constitution of a Grievance Procedure Committef.

REASONS

Additional Issue No. 1

10. In the point of reference, itself, it has been stated that whether the management of the II party is justified in not conceding the demands shown therein raised by the Byrapura Chromite Mine Workers Union in respect of the workmen working in

Byrapura and Bhakatarahalli Chromite Mines. On going through the point of reference, it is obvious that the reference falls upon his Tribunal to decide about the demands made in respect of the workmen of both the mines, viz., Byrapura and Bhakatrahalli Chromite mines. The evidence of four witnesses examined for the management discloses that with the permission of the concerned authorities, the II party is having only one set of management for working boh the mines. There is no strength in the contention of the II party that since there two mines are separate mines, the I party union cannot claim relief in respect of Bhakatarahalli mines. Whether the I party union has the representative capacity and authority to espouse the case of Bhakatarahalli mines also, is a separate question, the discussion regarding which follows, on addiitional issue No. 2.

Additional Issue No. 2

10.WW-1 Shri K. T. Govinde Gowda, the President of the I party Union has shown that the workers of both the mines formed the I party union in 1982 and that the members of the union are the workmen of both the mines. It is stated by him that about 600 to 700 workmen are working in both these mines and that they are interchangeable and that there is a single management and set of staff controlling both the mines. His evidence further discloses that the management was not happy with the formation of the Union and that there was a lock-out. He has further sworn that another dispute regarding wages is pending before this Tribunal in C.R. No. 11|87. In order to support that the I party has the representative capacity and that it had the authority to espouse various causes of the workmen, documents at Exs. W-1 to W-12 have been relied upon by the I party.

The learned counsel for the II party strongly contended that the I party union has no representative character and it has not been proved that it has the right to espouse or that it has been properly espoused by the I party. The I party has relied upon Ex. W-11, the Resolution Book. It shows that on 19-12-82 a General Body meeting had been held and a resolution was passed to raise the said demands. It has been suggested to him that the total number of workmen in both these mines is only about 350. The witness has denied the suggestion. He has been further questioned whether he can produce a list showing names of workmen of the II party who are the members of the I party union. The witness has stated that it is not required to be filed. However, he swears that the I party has maintained a register of members since 1982, but that the said register has not been produced. He maintains that he has no objection to produce the same.

The learned, counsel for the I party, on the other hand, has contended that the management has not examined any workman, whose name has been shown in Ex. W-11 to rebut the case of the II party that all these workmen have supported the demands. It was further submitted before me that the fact that the II party had entered into correspondence with the I party, and had further invited the office bearers of the I party for discussions indicv that the I party has the representative character.

11. Ex. W-1 is a letter by the President of the I party union dated 10-11-82 to the Chairman of the II party regarding the lock out of November 1982. Ex. W-2 dated 12-11-1982 is a letter by the President of the I party to the A.L.C. complaining that the workmen of the Byrapore mines have not been paid minimum wages as per Section 15 of the payment of Wages Act. Ex. W-3 dated 22-12-82 is a letter by the office bearers of the I party union to the Chairman of the II party putting forth a charter of demands as per Ex. W-3 (a), Ex. W-3 refers to the meeting and resolution as shown in Ex. W-11. The letter Ex. W-3 indicates that the resolution at Ex. W-11 had come into existence on 19-12-1982 itself. As contended by the learned counsel for the I party, nothing prevented the II party to examine any workman whose name has been shown in Ex. W-11 to show that he was not present in any such meeting and he did not support any such resolution. At least, the management should have picked up any of the workman shown in the letter Ex. W-3 to prove that neither the evidence of WW-1 nor the Resolution Ex. W-1 can be relied upon. No withstanding any adverse inference that can be drawn for the non-production of the register of members or accounts books or returns or any other document to further substantiate Exs. W-1 to W-12, I find that the documentary evidence produced before me fairly substantiates the evidence of WW-1 Govinde Gonda Ex. W-4 dated 31-12-82 is another letter in pursuance to the letter of demand Ex. W-3, whereby the management was called upon to fix up a meeting to discuss about the charter of demands. Ex. W-5 is the minutes of the discussions held on 21-2-1983. The meeting was held in the presence of the Regional Labour Commissioner and not only the parties to the present dispute but also the union of employees and staff had participated in the discussions. Since the management wanted time, the meeting had been adjourned. Ex. W-6 dated 4-7-1983 is another letter by the I party to the II party regarding the charter of demands. The I pary had informed the management that they had decided to go on indefinite strike after 14 days, if the demands were not considered. The II party has promptly responded to Ex. W-6 by its letter Ex. W-7 dated 4-7-1983. Ex. W-7 indicates that due to pressing problems they could not hold the meeting, but that it does not indicate that they were not willing to have a meeting and the I party was requested to withdraw the strike notice, so that the date for discussions can be fixed within a week from the date of withdrawal. Before the discussions took place, it appears that the I party raised a supplementary demands as per Ex. W-8 (a) and sent another letter of supplementary demands dt. 3-8-1983 under Ex. W-8. Ex. W-9, dated 5-4-83 shows that subsequent to the meeting before the A.I.C. on 21-2-1983 another meeting for preliminary discussions had been called for on 12-4-83. Ex. W-10 shows that there were several other meetings on 20-7-83 and 9-11-83. The office bearers

of the Union had been paid T.A. and D.A. for their visits to the head office at Bangalore, Ex. W-12, an Article of Sudha khannada weekly paper has been relied upon to show that the management has not maintained good working conditions in the mines. It is not pertinent on the point of espousal.

By the very nature of the dispute, it is obvious that it relates to the conditions of service of all the workmen in both the mines. As per Section 2(k), an industrial dispute means any dispute or difference between the employer and the workmen connected with the terms of employment, or with the conditions of labour of any person. The demands show that the benefits are sought for to all the workmen working in both the mines. Whether the union has got the representative character or not has to be gathered from the strength of the actual number of workers sponsoring the dispute. In Ex. W-11 there are 252 thumb marks of various workmen showing their token numbers, as counted by me, and besides thumb marks, there are several signatures also. If the total strength of the workmen in both the mines is about 350 only, as suggested to WW-1 in para 25, it follows that the dispute has the support of appreciable number of all the workmen of boh the mines.

The learned counsel for the 1 party referred to the authority reported in 1984 Karnataka Law Journal—shortnotes Item No. 6. From the facts of the reported authority, it is to be seen that 92 workmen in the industry had in writing requested and authorised the Secretary to raise an industrial dispute and through there was no resolution of the General Body, it has been held that it was still an industrial dispute. In the case at hand, there is the resolution at Ex. W-11 and in order to support the said resolution there is the eidence of WW-1 and the other documents at Exs. W-1 to W-10. In my view, the evidence produced by the I party fairly establishes the fact ahat it is an industrial dispute and that the I party has the representative character and authorisation to espouse the same.

1 (a), (b) and (c). The II party has put forth the case that soon after completition of two years of service, the workmen is paid all the benefits that are given to a regular workman and that the I party union has not pointed out any case wherein the management has never tried to terminate the service of any workman and thus there is no question of confirmation or remularisaion. On the other hand, the learned counsel for the I party contended that all the workmen who are working in both the mines have been till today paid daily wages indicates that they have not been confimred or regularised and that the management has been exploiting them. MW-1 Devadas is the Accounts Officer of the II party. In para 5 of his evidence, the swears that in respect of the workmen who have been in the daily rated pay scale, the payment is made on the basis of minimum wages as per the Government of India minimum wage notification. He further adds that temporary pay scale is given for two years to the temporary workes and after two years, they are made permanent and thereafter they are paid daily rated wages and D.A. according to the State Government pattern. He further states that the II party revised the D.A. whenever the rate of D.A. of State Govt. employees is increased. In contract to the mine workers, his evidence in Para 31 discloses that ministerial staff, clerks, attenders, foreman, supervisors, typists and other employees not working in the mines are paid on monthly basis. In para 40, he swears that the scale of D.A. for workmen of daily wages is as per the company's scale of D.A. In para 41, he adds that as per the State Government. pattern, there is no daily rated employee. The evidence of MW-2 Giri Rao, the Special Officer of the II party in Para 36 indicates that pay scales and D.A. are paid at the same rate in all the 40 units of the II party. In the cross-examination, in Para 41, he states that there are monthly rated employees and daily rated employees and also permanent employees as shown in Ex. M-7. In para 43, he further explains that for some employees consolidated minimum wages are paid as per the provisions of minimum wages act. Para 44 of his evidence discloses that there are daily rated employee who are paid basic pay and D.A. In para 45, he states that he cannot explain as to how many workmen are daily rated. However, there is a clear admission made by him in para 47 that all the mining workers are daily rated but paid once in a month. The evidence of MW-3 Augustin Anthony, the then Mine Manager is mainly with reference to the documents produced by the II party. It has been suggested to him in para 21 that the increase in the wages of these mining workmen is on account of the revision in wages as per the Government of India notification. The witness has stated that he does not know whether the revision is on account of such notifications. In para 25 he concedes that as per Ex. M-12, the underground workmen have been paid on the basis of daily wages. In para 26, he further admits that the members of the staff and officers are monthly rated employees, whereas the workmen working in the surface, underground and plant are daily rated. The wage sheets at Exs. M-8, M-15 and M-16 show that the mining workmen are paid on daily rate basis. The evidence of MW-4 the then Mines Manager shows in paras 31 to 33 that all these workmen working in the mines are daily rated. In Para 33, he has admitted that a casual employee is a daily rated employee. With reference to the standing orders of the company, he has admitted that a casual employee is a daily rated employee. With reference to the standing orders of the company, he has been questioned whether the company can afford to keep the workmen on daily rated basis, even after decades of service. The witness has no been able to explain the matter.

12. Ex. M-1 is the statement showing the expenditure towards salaries and wages of both the mines from 1982-83 to 1985-86. If the expenditure in 1982-83 was of Rs. 29 lakhs and odd, it was Rs. 48 lakhs and odd in 1985-86. Ex. M-2 is the statement showing sales and profits of the Company between the years 1982 and 1986. Ex. M-3 to M-6 are the annual reports of the II party between the year 1982 and 1986. Even though these documents disclose that the expenditure on account of wages has been on the increase, they do not justify for keeping the workmen on daily wages till today.

13. Exs. M-7, M-8, M-9, M-20 and M-21 are the standing orders and cadre and recruitment rules of the company. Clause 3 of Ex. M-21, the standing

orders, amended upto date gives the classification of employees as follows :

(a) Employees shall be classified as follows :

(1) Permanent employee.

(2) Probationer.

(3) Company temporary employee.

(4) Casual employee.

(5) Apprentices.

(6) Badlis.

Then there is the definition of each category of the aforesaid employees. A permanent workman has been defined as a person who has been engaged on permanent basis and includes any person who has satisfactorily completed a probationary period of six months in the same or another occupation. A probationer has been defined as a workman who is provisionally employed to fill a permanent vacancy in a post and who has not completed six months' service therein. A Company Temporary Employee is one whose terms and conditions of engagement are essentially of a temporary nature, of limited duration. A Casual employee is one who is engaged in the work of casual nature. From the aforesaid definitions, it is obvious that a person can remain as a probationer only for six months, if he has been engaged against a sanctioned permanent post. It is not a case of the II party that any of the posts of these workmen are temporarily created to meet a specific kind of work of limited duration. The Mysore Minerals Limited cader and recruitment rules of 1982 which have come into effect on 1-1-1982 as per Ex. M-20 shows in Clause 4(k) that employee means any person employed by the Company and includes those already employed on the date of introduction of these rules, whether permanent or temporary. Thus, the standing orders and the rules at Exs. M-20 and M-21 themselves show that the company cannot have a daily rated employee working for even years yet to come and still then receiving daily wages and D.A. as per the State Government. Clause 5 of the rules at Ex. M-20 discloses that the posts in the company have been classified into four grades and that the nomenclature of various posts are to be found in Schedule I. After enumerating as many as 123 posts in Annexure I between pages 1 and 16, another Annexure is appended showing some 34 daily rated workmen. In the absence of a provision for a daily rated workmen in the standing orders Ex. M-21, the II party cannot have an employee for a permanent nature of work on daily wage basis. The learned counsel for the I party cited the case of Western India Match Company Limited and workmen. S.C. Labour judgements 1973 Vol. IV Page 304. The authority has laid down a principle that the terms of employment specified in the standing orders would prevail over the corresponding terms in the entract of service in existence on the enforcement of the sanding orders. In view of the said authority the standing orders Ex M-21 which have been certified upto 20th March, 1984 cannot be overruled by the cadre and recruitment rules Ex. M-20. The wage sheets at Exs. M-11 to M-17 show that between March 1987 and October 1987 the members of the staff and officers are paid on monthly basis, whereas underground workmen, plant workmen and surface workmen have been paid on daily rated basis. Exs. M-10, M-22 to M-36 show that the D.A. has been increased from time to time as and when the Government of Karnataka increased the rate of D.A. for its own employees. The documents at Exs. M-37 to M-42 have been produced to show that there has ben revision of pay scales from time to time. As has been discussed earlier, there is no case of the II party that these workmen working in the mines have been ever brought on monthly pay scale basis, so that any benefit could have accrued to them by virtue of these circulars. The admitted fact is that they are paid daily wages as per the Government of India notifications plus the D.A. as per the State Government rules. The revision or increase in the pay scales and allowance of employees, who are paid monthly wages, therefore, are of no avail. The wage registers at Exs. M-42 to M-92 indicate that these workmen working in the mines are paid on daily rated basis. The statements filed by MW-3 Augustin at Exs M-18 and M-19 showing the wage statisties and welfare facilities do not show that these workmen have been regularised or paid proper wages on the basis that they are the monthly rated employees.

14. Ex. M-93 is a comparative statement showing the consolidated wages on one hand and wages of daily rated scale on the other. The management has tried to demonstrate by Ex. M-93 that the wages paid to these workmen are higher than the consolidated wages paid to casual workmen. Payment on the daily rated basis would obviously be prejudicial to the interests of the workmen, since he gets the wages of only 26 days in a month, at the maximum. Secondly, the management cannot justify payment of daily rated scale, when it cannot keep a daily rated workman beyond six months as per the standing orders.

The documents at Exs. M-94, M-95 and M-96 are the notifications issued by the Government of India under the Minimum Wages Act showing the minimum wages to be paid to the workmen employed in chromite minas. The learned counsel for the I party contended that the increase in the wages of hese workmen is on account of the revision of minimum wages under such notifications and not on account of any increase in the salaries of mothly rated employees of the II party. The copies of the circulars at Exs. M-22 to M-38 themselves substantiate the said contention. Ex. M-22 dated 17-6-82 relates to the sanction of four additional instalments of D.A. 1981-82. Ex. M-23 dated 29-11-82 relates to the revision of D.A. for monthly rated employees with effect from 1-4-1982. Ex. M-24 dated 13-1-83 also relates to the revision of D.A. for monthly rated employees. Ex. M-25 dated 7-5-83 is in connection with two additional increments of D.A. and the Annexure I shows that the increment relates to monthly rated employees. Indeed, Annexure II shows that some D.A. has been revised for the daily rated employees also. Ex. M-26 dt. 10-10-83 relates to three additional instalments of D.A. and the annexures show about the increase to the monthly rated and daily rated employees. Ex. M-27 dt. 27-9-1984 relates to total D.A. for daily rated employees. Ex.

M-28 dated 25-9-84 relates to three additional instalments of D.A. for monthly rated and daily rated employees. Ex. M-29 dt. 5-2-85, Ex. M-30 dated 17-5-85 Ex. M-31 dt. 17-12-85, Ex. M-32 dated 22-4-86, Ex. M-33 dt. 6-6-86, M-34 dated 10-6-86, Ex. M-35 dt. 7-1-87 and Ex. M-36 dated 18-2-87, all relate to increase in the rate of D.A. for the monthly rated and daily rated employees. The wage registers at Exs. M-42 to M-92 do show that for the period from 1982 to 1986, all kinds of workmen, viz., Underground, surface, plant workmen of both the mines are treated as the daily rated employees and have also been paid the D.A. additional D.A., but he said act does not solve the problem of the II party as to why the daily rated scales have been given to these mine workmen or as to why they have been not regularised and brought on the scale of monthly rated employees, soon after six months of service, even though they are working in sanctioned permanent posts. Ex. M-37 dated 7-11-80 relates to revision of pay scales of monthly rated employees. Ex. M-38 also relates to the revision of pay scales of monthly rated employees. It is reiterated that these documents do not justify the action of the II party management in not giving the status of monthly rated employees to these workmen of the mines.

15. The evidence of WW-1, the President of the I party Union shows that in spite of the demands in that connection, as evidenced by the documents at Exs. M-1 to M-10, the II party has not responded as expected of it. The evidence placed on record thus proves that the II party management shall have to to rgularise and conurm all the workmen ingaged on permanent basis, including those persons who have satisfactorily completed a probationary period of six months in the same or another occupation as has been shown in clause 3 (1) of the standing orders Ex. M-21.

16. The cross-examination of MW-1 to MW-4 discloses that there is no scheme as such to promote unskilled workers to the grade of semi-skilled workers and semi-skilled workers to the grade of skilled workers. There is no justification for the management to keep these workmen as unskilled only for years together. Depending upon the experience, regularity in attendance, skill attained in the job and such other factors, the management shall have to prepare and implement a scheme, so that all kinds of workmen commencing from the bottom of unskilled workmen should get promotions within a time bound frame. There cannot be any objection and there is no objection at all from the I party also that promotions requiring qualifications, examinations or tests shal have to depend upon acquiring of such qualifications. The learned counsel for the II party did not point out from Ex. M-20, the cadre and recruitment rules as to what are the chances of promotion for these workmen, working in both the mines. It is thus manifest that the management shall have to prepare a scheme of promotions, time-bound in nature and implement the same forhwith.

17. (a) Since it is the case of the II party that the monthly rated employees are being paid as per the scales of the State Government employees, there cannot be any grievance from the workmen, if they are brought on the scale of monthly rated emplyees in which case they would be automatically getting the anual increment and the revisions in the scales of pay and D.A., as and when the State Government revises its scales and D.A. etc., and so also as and when the II party revises its scales of pay and D.A. etc. for its monthly rated employees. Thus, there cannot be any separate award enhancing the rates of wages of these workmen.

(b) Item No. 2 of the Schedule

The I party union has claimed D.A. as per the cost of living index computed for Hassan. The contents of the documents as discussed above point out that as and when the State Government has revised the rate of D.A., the II party has also revised the rate of D.A. to monthly rated and as well as daily rated employees. The only disadvantage that these workmen have suffered is that they have been paid on the basis of daily rates and not on the basis of the monthly rate. Since the said disadvantage is being cured by passing an award that they shall be brought on monthly rated basis. I do not find that their is any basis for their demand that they should be paid D.A. on the cost of living index. computed for Hassan. Moreover, the I party has not produced anydcument of comparative mines, showing that though they are paid monthly rate scales, they are paid D.A. on the basis of cost of living index of the nearest town. The said claim has not been substantiated.

The management has a contention that it has no capacity to bear the additional financial burden if any award is passed in that connection. The oral evidence produced by the II party is that the sales are on the decline, that the main customer being Japan and the orders from Japan being on the decrease, the financial position of the II party is not of such a nature so as to meet any extra burden. The annual reports and the comparative statement as discussed above have been pointed out in that connection. The discrimination is writ large on the face of the action of the management that the members of the staff and officers working at Byrapura and Bhakatarahalli are paid salary on monthly basis, whereas these workmen have been paid daily rate plus D.A. on the basis of the daily rated wages. The financial position of the II party, not withstanding, cannot justify such a discrimination. The II party has not produced the statistics about any such additional burden, if all the workmen and the employees are to be treated equally and it has not been demonstrated that so much of financial burden cannot be borne by the II party. The learned counsel for the I party has produced a paper cutting from the Deccan Herald dated 3-8-1988 and contended that there is a big boost in the sales of the II party and that it can afford to bear such a burden. The paper cutting has been produced at a late stage and the II party had no opportunity to meet the same. The evidence on record, in my opinion, proves that the workmen are entitled to claim equal treatment and equal wages as earned by their counterparts in the head office at Bangalore or in the mines at Byrapura and Bhakatarahalli. There is absolutely no

explanation as to why there should be discrimination between a workman working in the mines and a workman working in the office at the same place if both of them are in the same grade. I am, therefore, of the view that the said contention of the II party cannot be sustained. The II party shall have to pay the D.A. on the same lines as is being paid now, but on the monthly scale basis to be granted to these workmen also.

(c) Item No. 3 of the Schedule

The evidence of MW-2 Shri A. S. Giri Rao shows in Para 9 that only in Byrapura they have night shifts because it is an underground mine. In para 10, he swears that in an underground mine, there is no difference between the night shift and day shift. In para 11, he explains that the working conditions in the underground mine do not change, since all the time there will be electric lamps and that they provide other amenities for these workmen. In para 14, he swears that they pay underground allowance, in addition to the regular wages to these workmen. In para 15, he adds that they give free tea to the underground workmen. In para 52, he adds that for the underground workmen they pay Rs. 3.25 P. as underground allowance. The documents at Exs. M-118, M-119 and M-128 disclose that there is some incentive scheme for underground workmen and the workmen of the benefication plant. Except for the evidence of WW-1, the I party has not proved that any night shift allowance is paid for the underground workers of any other mines. For a workman working underground, there is no difference between day and night and when he is supplied with tea or coffee and in the event that he has been given some incentives, I do not find that there is any justification for the demand of night shift allowance.

(d) Item No. 4 of the Schedule

It is asserted by the II party that uniform and a pair of shoes are supplied to the underground workmen. When the management has found it necessary to supply uniforms to them, there is no justification for not paying washing allowance. A sum of Rs. 15|-, per workman per month who has been supplied with uniforms is deemed to be just and reasonable, as washing allowance. The evidence placed by the management shows that because the workmen have to work in a marshy place in the underground mines, they cannot use socks and that the present day system of only supply of boots meets their requirement. As observed earlier, no workman has been examined to establish that there is the necessity of socks also for the shoes in order to work in the underground efficiently. The evidence produced by the management proves that water percolates in the underground mine and often they have to pump out the water. It is thus shown that the floor in the underground mine is not conducive for putting on socks also. For want of evidence it has been held that the necessity of socks has not been established.

(e) Item No. 5 of the Schedule

The II party has contended that these workmen have been given leave as per the provisions of the Mines Act. In the counter statement, in Para 13, it has been stated that the workmen are given 15 days sick leave with full wages, 15 days sick leave with half wages and they are also given 10 days Casual Leave and 30 days Earned Leave per year. It has been further stated that grant of further holidays or leave will result in fall in production. The demand made by the workmen in Para 12 of the claim statement is for 30 days Earned Leave, 15 days sick leave with full wages, 15 days sick leave with half wages and 15 days casual leave. The difference is only of 5 days casual leave. Under the facts and circumstances of the case, it is obvious that the claim for 15 days casual leave is not justified. The I party has not produced any evidence to show that in other mines, the workmen are given 15 days casual leave in a year.

(f) Item No. 6 of the Schedule

The evidence of MW-2 Shri A. S. Giri Rao in para 23 shows that the II party has provided quarters to the workmen free of rent and that some others come from nearby villages and put up in their own houses and thus there is no justification for house construction advance. It has been stated that about 60 quarters are provided for the workmen of the Byrapura mines. In para 25, he adds that the Welfare Commissioner of Government of India grants advance for construction of houses and that they forward the applications of the workmen for such advance. In para 65, he has denied the suggestion that the quarters are provided only to the officers and only a few to the workmen. It is, however, conceded by him in para 74 that the circular regarding house building loan Ex. M-10 pertains only to the officers. The workmen have not been examined to point out about the exact requirement and to show that they have been discriminated as compared to the house construction facilities advanced to the members of the staff and officers. The evidence of MW-4 Venkatesh Acharya shows in para 19 that as per the letters Exs. M-120 and M-121, house building advance has been sanctioned to some workers. Ex. M-120 dated 7-10-1986 discloses that about four workmen were given subsidy and interest free loan for carrying out house construction and house repairs. Ex. M-121 dated 24-12-1986 shows that welfare commissioner had sanctioned subsidy and interest free loan to some two workmen. Ex. M-134 dated 11-11-1987 is a forwarding letter regarding the extract of the minutes of 41st meeting. Ex. M-135 is the extract of the said meeting. It shows that the management considered the proposal for the construction of Type-I and Type-II houses in the housing scheme. Ex. M-136 gives the list of quarters allotted to various members of the staff and workmen. In para 29 MW-4 has sworn that the II party is paying a cess of Rs. 3|tonnes to the organisation and the welfare commissioner is providing the facilities of H.B.A., scholarship to the children of the workmen and advance for screening of pictures etc. It was argued before me that if a daily rated workman is granted house construction advance, it would be difficult to make recoveries and since there is already a scheme as shown above, the demand of the I party workman is not justifiable. The contention that they are not entitled to H.B.A., because they are daily rated workmen is not sustainable. In my view, since the welfare commissioner is already providing them some relief in that connection and since a number of

workmen have been provided with rent free quarters, the demand for house construction advance is not justifiable.

(g) Item No. 7 of Schedule

In para 27 of his evidence, MW-2 Giri Rao has sworn that festival advance of Rs. 500|- or 1 month's salary is given to them and the scheme has been introduced in 1987. The said evidence has been substantiated by the circular Ex. M-41 dated 6-3-87 and it shows that the management has extended the facility of festival advance. As per the Register Ex. M-38, it is shown that the management has extended the facility of festival advance to the permanent daily rated workmen also. The I party union has not justified the claim for any festival advance for the casual workers or temporary workmen.

(h) Item No. 8 of the Schedule

The evidence of MW-2 Giri Rao in para 28 discloses that they have about 4,000 employees in all the mines and that they have not introduced any attendance bonus. In para 29, he however, states that since 1983 they have introduced attendance linked with production incentive. The evidence of MW-4 Venkatesh Acharya shows in para 18 that incentive schemes have been introduced as per Exs. M-118 and M-119. The letter at Ex. M-118 dated 31-10-1983, the incentive scheme for underground workers. Ex. M-128, the letter dated 24-9-1983, Ex. M-119 and the enclosure showing the incentive scheme for benefication plant workmen indicate that the management has already introduced attendance linked with production incentive scheme. The I party has not produced convincing evidence to show that the said schemes are in any way prejudicial to their interests or that they do not satisfy the requirement of giving impetus and incentive for those workmen who attend regularly. It is not found expedient to call upon the management to introduce any other attendance bonus scheme.

(i) Item No. 9 of the Schedule

The evidence of the four witnesses examined for the management discloses that the management has introduced various schemes, so that the efficiency of the workmen is increased. The documents at Exs. M-103 to M-105 show that canteen facilities have been provided. The documents at Exs. M-112 to M-117 and M-122 show that T.V. exhibition of pictures and other facilities have been provided with. Ex. M-123 discloses that cycle advances have been given. Ex. M-130 indicates that scholarships have been given to some children of the workmen. Exs. M-100, M-101, M-102, M-133 to Ex. M-136 and Ex. M-139 to M-142 disclose that medicines have been supplied to the hospital, so that the workmen can get better treatment and medicines at the spot. Ex. M-125, M-126 and M-127 have been relied upon to prove that canteen facilities have been provided for the workmen. Exs. M-97, M-99, M-107 and M-137 have been pointed out to prove that boots, helmets and uniforms have been supplied to the workmen. The rest of the documents have been placed on record to prove that the finances of the II party are limited, whereas the demands of the workmen are numerous and that there is no justification for awarding the same. The crux of the matter, as discussed above, is whether there is justification for the demands and the question whether the II party is capable of meeting the said demands or not has to be looked into in the context of the justification of the demands. It is reiterated that the II party which claims that it has no financial capacity to provide such demands, has not produced convincing evidence showing the facts and figures as to how it is unable to meet the same. Under these circumstances, it cannot be said that the demands put forth by the I party are unreasonable.

17. The contention of the I party that there should be Grievance Procedure Committee has not been justified by showing that there are such committees in similar mines in Karnataka. Secondly, the evidence produced by the II party indicates that there is a labour welfare officer and the documents produced by the I party themselves prove that the II party has been showing good response to the claims and demands made by the I party workmen. Under such circumstances, it is not deemed expedient that the II party should be asked to constitute any Grievance Procedure Committee to solve any grievance.

18. Taking into account the facts and circumstances of the case, I do not consider it necessary to grant any costs.

19. In the result, an award is passed to the effect that the Management of Mysore Minerals Limited is not justified in not conceding some of the demands raised by the I party workmen. It is, further, ordered that the II party management shall provide and comply with the following directions :

Item No. 1(a) : The management shall regularise and confirm those workmen who have been engaged on permanent basis, including those who has satisfactorily completed a probationary period of six months, as shown in Clause 3(a)(1) of the standing orders Ex. M-21.

Item No. 1(b) : The Management shall prepare and implement a scheme for promotion of workmen from one cadre to another cadre, on acquiring sufficient experience|talent| skill etc., and the same shall be done within a span of six months.

Item No. 1(c) : The Management shall put all such regularised or confirmed workmen on the monthly rate pay roll and shall pay them monthly salaries as paid to other employees of the Company, on the similar lines, as has been provided in Ex. M-20, the Rules. The scheme shall further contain the weightage to be given to the workmen in their salaries, depending upon the number of years of service, they have put in.

Item No. 2 : The Management shall continue to pay the D.A. on the same lines as is being done now. But on the basis of the monthly rate salary.

Item No. 3 : The I party workmen are not justified in demanding night shift allowance.

Item No. 4 : The II party management shall pay forthwith washing allowance of Rs. 15|- per month for each workman who has been provided with uniforms. The I party is not justified in claiming a pair of socks.

Item No. 5 : The I party is not justified to claim any more leave, in addition to the leave presently provided with, by the management.

Item No. 6 : The I party workmen are not entitled to demand advance for house construction.

Item No. 7 : The demand for Festival Advance has been met by the Management and no further direction is found necessary.

Item No. 8 : The I party workmen are not justified in demanding introduction of any other Attendance Bonus Scheme.

Item No. 9 : The I party workmen are not justified in demanding constitution of a Grievance Procedure Committee.

(Dictated to the Personal Assistant, taken down by her, got typed and corrected by me).

B. N. LALGE, Presiding Officer.
[No. L-29012|24|84-D.III(B)]

का. आ. 3220—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स मैसूर मिनरल्स लि.के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक, अधिकरण, बंगलौर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-10-88 को प्राप्त हुआ था ।

S.O. 3320.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M|s. Mysore Minerals Limited and their workmen, which was received by the Central Government on the 4th October, 1988.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT BANGALORE

Dated 28th September, 1988

Central Reference No. 11|87

Old Central Reference No. 7|83

I PARTY

The Secretary
Byrapur Chromite Mines
Workers Union
No. 6, Shri Gokula Building
M.A.T. Street,
Bangalore-4.

Vs.

II PARTY

The Mines Manager,
Byrapur Chromite Mines
of Mysore Minerals
Limited,
Kembal Post,
Hassan District
Karnataka.

APPEARANCES :

For the I Party Shri D. Leelakrishnan,—Advocate.

For the II Party Shri S. N. Murthy, Advocate.

AWARD

By exercising its powers under Section 10 (1) (d) and (2A) of the I.D. Act, the Government of India, Ministry of Labour has made the present reference on he following point of dispute by its Order No. L-29011|43|82-D. III(B) dated 21st August 1983. The original reference was made to the State Government Industrial Tribunal. Subsequently, it has been transferred to this ribunal by a General Order No. L-11025|A|87-D. IV(B) dated 13th February 1987. It is at Sl. No. 11

POINT OF DISPUTE

"Whether the demand of the workers employed in Byrapur Chromite Mines of Messrs Mysore Minerals Limited, Kombal Post, Hassan District for payment of wages for the period from 2-11-82 to 9-12-82 is justified ? If not, to what relief the workmen are entitled to?".

2. The I party Union has then filed its claim statement and inter alia, it has been contended as follows.

Formerly the Byrapur Chromite Mines was run by the Government of Karnataka through its Board of Mineral Development. Subsequently, the II party was incorporated as a company. The II party is exploiting the workers since they are ignorant and illiterate. They are not paid proper wages and given legitimate amenities. On 10-10-1982, a meeting of the workers was convened and it was decided to form a union under the banner of INTUC, with Shri K. T. Govinda Gowda as the President. The workmen were threatened with dire consequences, if they formed the union, but with no consequence. Because of their anti-union policy, they did not settle the issues amicably. The II party has made an application to the Government of India for closing down the Bhaktharahalli mines, but permission is not granted. The workers of Byrapura and Bhaktharahalli mines reported for duty on 2-11-82 as usual. When the workers in the second shift went for work, the management without any reasonable excuse and without any notice closed Byrapura mines. The union took up the matter with the Chairman. There was no response to their letter dated 10-11-82. The unjustified lock out continued. The union took up the matter with the Assistant Labour Commissioner, Mangalore by a letter dt. 12-11-82. On 13-11-82, the Assistant Labour Commissioner visited the mines and held discussions. He directed the parties to attend the meeting at Mangalore on 18-11-82. They attended, but the II party did not attend. They did not co-operate in the conciliation proceedings. A failure report

was sent. The management is responsible for the lock out. Hence, an award may be passed to the effect that they are entitled to the lock out period wages from 2-11-82 to 9-12-1982 and costs etc.

3. The II party has filed its counter statement and inter alia it is contended as follows.

Byrapur Chromite Mine is an underground mine. 340 workers have been employed therein. The working conditions are good. There is cordial relationship between the management and the workers. The II party is not aware of any union. There is no communication in that connection. On 2-11-1982 at about 11 a.m. at the instigation of some outsiders, the workers left their spot of work without any permission. The Mines Manager had advised them not to leave the mines during working hours and not to attend any meeting, by leaving the spot of work. But after the meeting was over, they entered the mines campus shouting slogans and damaged the hospital windows and the window screen of the winding engine room. With the help of the police, those who had indulged in violence were sent out. On the same day, some workers entered the office of the mines and threw acid bulbs on one of the senior Mine Foreman The managment demanded that the violent workmen should ensure that they will maintain discipline and peace. They did not report to duty. The said state of affairs continued on the following day also. The Mine Manager and supervisory staff tried to bring the situation under control but the workers continued in their illegal activities. On 4-11-1982, some workmen squatted near the mine office and obstructed the movement of the school van Some workers went to the hospital and forced the workers to leave their spots of work. Some workers stopped the working of creche. At 11.30 a.m. Shri Govindegowda, an outsider arrived and entered the mine premises without the permission of the management and wanted to hold a meeting. The Sub-Inspector of Police told him that he should hold the meeting outside the mine premises. Shri Govindgowda incited the striking workmen to shout anti-management slogans. The gist of his speech is as follows :

> "There are three rats in the Mine. I can chase them with seven hundred dogs which will be very bad for them. One rat among the three is very bad. I am keeping it in my mind. I will see that rat The remaining two you all see. You must gherao the superior staff if they are in the office you must confine them to the office. If they are in the house, they must be confined to their houses like that you must torture them. If the Technical Director comes here, the ladies, should chew betelnut and spit on his face".

Some of the workers burnt the electrical switchgear and the electrical installation exploded with a deafening noise. There was elaborate sabotage. On 5-11-1982 the workers assemble in the mine camp. Some of them demanded to close the office. The office could not function. The II party decided to pay the worke.. an advance of only 50 per cent salary for October 1982. On 13-11-1982 at the instigation of outsiders many workers entered the premises, abused the officials in bad words and tried to manhandle them and tried to ransack the office. The D.A.R. police were unable to control them. In order to avoid furher untoward incidents, lock-out was declared at 12.30 a.m. In order to safeguard the costly equipment of the company, it was necessary to declare the lock out. There was no other alternative. The lock-out from 13-11-82 to 9-12-82 is legal. The conduct of the workmen during that period was unwaranted and unjustified. If the mine had been flooded, there would have been huge damage. All the concerned authorities were informed about it. On 10-12-82, the lock-out was lifted when the employees assured that they will maintain discipline and safeguard the company's property. It is not an industrial dispute under Section 2(k) of the I.D. Act, since majority of the workmen have not supported and espoused he dispute. The allegations of exploiting the workers is false. Only the General Secretary of the Union can sign the claim statement and not the president. They are not aware of any meeting and formation of any union. It is denied that they threatened the workers not to form any union They did not apply for closure of Bhaktarahalli mines. It is false that they shut out the workers from the mines on 2-11-82. After the workers went out at 11 a.m. they never returned. They had resorted to illegal and unjustified strike from 2-11-82 to 12-11-82. They are not aware of any letter dated 12-11-82 to the Assistant Labour Commissioner. On 13-11-82, the Asstt. Labour Commissioner had visited, when they had declared the lock-out. He was apprised of it. He had asked them to attend a meeting on 18-11-82, but they could not attend since the officials were not in a position to leave the mine premises. Their claim is not justified. The question of lifting the lock out was discussed with the Regional Labour Commissioner, Bangalore and after reviewing the situation on 27-11-1982, he suggested to consider the lifting of the lock-out in the first week of December 1982. Then the workers come in a group and assured that they will work peacefully and then the lock-out was lifted on 10-12-82 They are not entitled to any wages for the said period. The reference may be rejected. The I party union has filed a rejoinder on 13-9-1984 and the contentions raised by the II party in the counter statement have been denied.

4. In view of the said pleadings, some two additional issues have been raised as shown below :

(1) Whether the I party workmen were on strike between 2-11-82 and 9-12-82 and that it was unjustified or "illegal"?

(2) Whether the I party proves that the Bhaktharahalli Chromite Mines at C.R. Patna Taluk, Hassan District is a part of Byrapura Chromite Mines owned and Managed by the Mysore Minerals and therefore the workmen of Bhaktharahalli Chromite Mines are also entitled to the relief in this reference?

5. The II party has examined three witnesses and has got marked Exs. M-1 to M-27.

6. The I party has examined five witnesses and has got marked Exs. W-1 to W-4.

7. The parties have been heard.

8. My findings on the additional issues and order of reference are as follows.

Additional Issue No. 1

Since the workmen have agreed to make good the loss in production for the said period and the management has agreed to pay them the wages for the same, the issue does not survive.

Additional Issue No. 2

It is proved that Bhaktharahalli and Byrapura Chromite mines are under the Management of the Mysore Minerals Limited.

POINT OF REFERENCE

The workmen of the Byrapura Chromite Mines including those of Bhaktharahalli Mines of M/s. Mysore Minerals Limited are justified in demanding the payment of wages for the period from 2-11-82 to 9-12-82, since they have undertaken to make good the loss in production of the said period. They are entitled to the relief that the wages which are not yet paid, if any, for the said period shall be paid through the commissioner that may be appointed by this Tribunal on hearing the parties.

REASONS

Additional Issue Nos. 1 & 2 and the Point of Reference

9. The learned counsel for the II party strongly contended that the I party Union is not competent to espouse the dispute and that it has not been proved that the dispute has the support of the majority of its workmen. The evidence of WW-1 Govide Gowda, the President of the I party union shows that it is a registered trade union and that as per the Resolution Book Ex. W-4 the Union has been authorised to espouse the dispute. The letter of the President of the Union to the Chairman of the II party dt. 10-11-82 at Ex. W-1 and also the letter dated 11-12-1982, at Ex. W-3, substantiate his evidence. The letter by the President of the I party Union dt. 12-11-82 at Ex. W-2 to the Assistant Labour Commissioner, Mangalore indicates that the Union had raised its voice soon after it found that the workers were not given work from 3 p.m. of 2-11-82. The learned counsel for the II party argued that the thumb marks of Ex. W-4 do not contain the endorsements and therefore it may not be accepted. The evidence of WW-1 Govinde Gowda is supported by four oher workmen WW-2, Chandregowda. WW-3 Lakshmegowda, WW-4 Puttegowda and MW-5 Ramegowda. The documents at Exs. M-1 to M-17 indicate that though the management asserted time and again that they are not aware of the I party Union and that Shri Govinde Gowda is its President, it is obvious that they had their own grievance against the I party and Shri Govinde Gowda. Since it is an admitted fact that the workers have agreed and have already made good a part of the production that was lost during the said period, the question whether the I party union has properly espoused the dispute or not fades to the background.

10. The evidence on record discloses that the office, the staff and the Mines Manager for Byrapura and Bhaktharahalli mines are the same. However, the II party contended that the Bhaktharahalli mines is a separate entity and it has no concern with the Byrapura mines. It is difficult to accept the said contention in the face of the fact that the supervising establishment is the same. The II party management has produced the wage register of the lock-out period wages at Ex. M-27. It is not the contention of the II party that the said register does not contain the names of Bhaktharahalli workers. On perusal of the record, I find that the reference relates to all the workers of Byrapura Chromite mines including those of Bhaktharahalli mines.

11. The documents at Exs. M-18 to M-25 show that workers in batches made representations to the management on various dates such as 15-10-87, stating that they will make good the loss in production and that they may be given the wages for the aforesaid period. In view of the said representations, the Manager of the Mines wrote a letter to the Chief Administrative Officer of the II party as per Ex. M-26 that he should be permitted to pay the wages of the said period. Since they have agreed to make good the loss of production. The evidence of MW-3 Augustin Antony, the Mines Manager shows that different groups of workmen gave the representation as per Ex. numbers M-18 to M-25 and requested for payment of wages for the strike and lock-out period on the condition that hey will make good the production to the extent of 60 per cent. In para 4 of his evidence, he swears that the loss of production was of 1,100 t and they have agreed to give the production of 600 t. In para 5, he adds that he then sent a proposal as per Ex. M-26. His evidence further discloses that the management accepted the same and the workmen have already given the production of 50 per cent of the agreed quantum. He has then sworn that 50 per cent of the wages for that period have been already paid. Ex. M-27 indicates that for the period between 2-11-82 and 12-12-82 the workmen have been already paid a sum of Rs. 200 or Rs. 250 depending upon the nature of work they were doing. The cross-examination of WW-3 is directed to show that these documents are not genuine and that the workmen have not been paid. The I party has not examined any workman out of those that are to be found in Ex. M-27 to refute the assertion of the management that the said wages have been actually paid to them. Nothing prevented the I party union to establish by examining any one of the workers whose name is found in Ex. W-4 or Ex. M-27 to show that he has not received any such amount as shown in Ex. M-27. I, therefore, find that there is no force in the contention of the I party that some part of the wages have been already paid to them as shown in Ex. M-27.

12. The learned counsel for the I party contended that the court may pass an award to the effect that the rest of the wages shall be paid only through the court commissioner and no directly, since he apprehended that he workers may not receive the said wages. I am of the view that there can be valid objection from the II party as to why the remaining part of the wages for the said period should not be paid through this Tribunal.

13. In the result, an award is passed to the effect that the workers of the Byrapura Chromite Mines including those of Bhaktharahalli Mines of M/s. Mysore Minerals Limited, Kombal Post, Hassan District are

justified in demanding the payment of wages for the period from 2-11-82 to 9-12-82, since they have undertaken to make good the loss in production of the said period. They are entitled to the relief that the wages which are not yet paid, if any, for the said period shall be paid through the commissioner that may be appointed by his Tribunal on hearing the parties.

(Dictated to the Personal Assistant, taken down by her, got typed and corrected by me.)

B. N. LALGE, Presiding Officer

[No. L-29011|43|82.D.III(B)]

का. आ. 3221.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. जी. बी. के. मैंगनीज माइन्स आफ मैसर्स उडीसा माइनिंग कार्पोरेशन लि. ऐट/पोस्ट गुरुडा वाया जोडा, जिला केओंझर (उडीसा) के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4/10/88 को प्राप्त हुआ था।

S.O. 3221.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SGBK Manganese Mines of M|s Orissa Mining Corporation Limited, At|P.O. Guruda, Via-Joda, District Keonjhar (Orissa) and their workmen, which was received by the Central Government on the 4th October, 1988.

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA. BHUBANESWAR

INDUSTRIAL DISPUTE CASE NO. 10 OF 1986 (CENTRAL)

Bhubaneswar, the 22nd September. 1988

BETWEEN

The Management of SGBK, Manganese Mines of M|s. Orissa Mining Corporation Limited, At|P.O. Guruda, Via-Joda, Distt. Keonjhar.

.....First Party—Management.

(Vrs)

Their workman Sri Bansidhar Karua, At|P.O. Guruda, Via-Joda, Distt. Keonjhar.

.....Second Party—Workman.

APPEARANCES :

Sri G. K. Mitra, Labour Welfare Officer.—For the First Party-Management.

Sri B. Khillar.—For the Second Party-Workman.

AWARD

1. This reference by the Government of India, Ministry of Labour in exercise of powers conferred upon them under section 10(1)(d) and Section 10 (2-A) of the Industrial Disputes Act, 1947 and by their Order No. L-27012|1|85-D.III(B) dated 14th August, 1986 has been made for adjudication of the following dispute between the employer in relation to the Management of SGBK Manganese Mines of M|s Orissa Mining Corporation Limited (for short, Mining Corporation) and their workman named in the schedule of reference :—

SCHEDULE

"Whether the action of the Management of SGBK Manganese Mines of M|s. Orissa Mining Corporation Limited, At|P.O. Guruda, Via-Joda, Distt. Keonjhar in terminating the services of Shri Bansidhar Karua, Sweeper is justified ? If not, to what relief is the workman entitled ?"

2. The S.G.B.K. Mines, which is a Manganese Ore Mines, was being operated by M|s Serajuddin & Co. under a lease granted by the Government of Orissa. On expiry of the period of lease, M|s. Serajuddin & Co. applied for renewal of the same but it was refused. Ultimately, with a view to operate the Mines in public sector, the State Government though its Senior Mining Officer took over its possession on 28-5-1982 (Ext. A). In accordance with a Government decision, the mining area was made over to the Orissa Mining Corporation Ltd., a Government of Orissa Corporation to operate the mines as the agent of the State Government. Pursuant to this decision, possession of the Mines was made over to the Mining Corporation for raising Manganese and ores. On 8-6-1982 (Ext. 3). The Corporation commenced work in the mines with effect from 18-6-1982 (Ext. 2). One of the considerations for which the State Government decided that the mines is to be operated by the Mining Corporation as an Agent of the State was to provide employment to the workers engaged in the mines by the ex-lessee (Ext. A).

The Mining Corporation with a view to commence work in the mines from 18-6-1982, issued notice Ext. 2 on 17-6-1982 for information of the employees working in the concerned mines previously that recruitment by new appointment by the Mining Corporation, of such previous workers would start from 18-6-1982 and therefore eligible persons may contact the Mines Manager of the concerned mines for such appointment within three days of the display of the notice on the notice board. Appointment letters were also issued to such workmen as evidenced by Exts. B series, temporarily appointing them for a period of 60 days from 18-6-1982 which was extended from time to time without any interruption until 19-6-1984 when 56 of which employees were disengaged on the ground that their services were no longer required and they surplus (Ext. 1).

The second party-workman in this proceeding is a Sweeper whose name is at Sl. 47 of the order of retrenchment Ext. 1. After this order was issued and given effect to, dispute was raised leading to the present reference.

3. The second party-workman challenged the order of termination as bad on the ground that it was

brought about without compliance of the requirements of Section 25-N of the Industrial Disputes Act and further that in fact, he was not a surplus workman to be retrenched.

4. The First Party, namely, the Management of the Mining Corporation filed written statement stating the circumstances under which the second party workman was found surplus and as such was liable to be retrenched. In paragraphs 5, 6 and 7 of its written statement, it stated that though the mines was handed over to the Mining Corporation in June, 1982, the mining machinery, workshop tools and other implements for operating the mines were not handed over and therefore, the mechanical staff in the mines were paid idle wages. Besides, in the absence of a lease in favour of the Mining Coproration and on account of fall of demand of Manganese ore during the period from 1982 to 1984, the stock of Manganese ores in the SGBK mines increased necessitating reduction of production. A large number of Sweepers appointed by the ex-lessee also remained idle. Under the aforesaid situation, the Corporation suggested to the workers Union that 117 employees of the ex-lessees who had been sitting idle and were being paid idle wages, should be retrenched. After protracted discussion between the Workers Union and the Management of the Corporation, it was ultimately mutually agreed that 71 persons should be retrenched. These 71 persons included 15 persons who had attained the age of superannuation and out of the rest 56, 18 persons were to be given fresh appointments only after they registered their names in the local employment exchange and appeared for test and interview. Accordingly, a bi-partite agreement was entered into and signed on behalf of the Mining Corporation and the members of the Workers Union representing the workmen of the SGBK mines on 16-6-1984.

It may be stated here that the services of the workman in this proceeding Sri Bansidhar Karua was not terminated on the ground that he had attained the age of superannuation. His services were terminated as being surplus.

The plea of the Management of the Mining Corporation with regard to the compliance of the provisions of Section 25-N of the Industrial Disputes Act is that since the retrenchment was brought about under an agreement, one month notice prior to retrenchment was not necessary and besides, the workman has been paid his salary for one month at the time of retrenchment which should be taken as retrenchment compensation paid to him at the rate of his 15 days wages for one year of completed service.

5. On the pleadings of the parties, the issues which arise for consideration in this proceeding are :—

(i) Whether there has been compliance of section 25-N of the Industrial Disputes Act on or prior to the date when the second party-workman was retrenched ?

(ii) If retrenchment of the workman as a surplus labourer was justified ?

(iii) If the retrenchment of the workman was illegal and invalid, to what relief he is entitled ?

6. The workman examined as W.W 1 in this proceeding stated on oath that he was not served with any retrenchment notice before he was retrenched. He admitted that on 20-6-84 he was paid Rs. 500/-. In his cross-examination, he denied the suggestion made to him that he was found to be a surplus labourer and therefore, his services were terminated. M.W. 1, the Senior Mining Officer of the State Government stationed at Joda stated that he made over of the SGBK Manganese mines which had been taken over from M/s. Serajuddin & Co. to the Mining Corporation but the machineries of the mines belonging to M/s. Serajuddin & Co. were not delivered to the Mining Corporation because the inventory thereof had not been completed. M.W.2, the General Manager of the Mining Corporation stated that he took over possession of the SGBK mines and at that time the employees of the said mines had been sitting idle. Those employees as per the Government decision were given temporary employment and were issued appointment orders like Exts. B series. He stated during his cross-examination that he had no knowledge if any retrenchment notice had been issued to the workman prior to their retrenchment. M.W. 3 who was the Manager of the mines in question stated that after the mines was taken possession of, on the instruction of the State Government, the Mining Corporation started giving temporary appointments to the employees of M/s. Serajuddin Company who had been laid off by the said Company. He also stated that from 1982 to 1984 those employees were allowed to continue in service although there was no work for them because of non-availability of mining machineries and this was done according to him on humanitarian grounds. He stated that in 1984 they worked out the number of surplus staff in the mines and found that these were 117 of them but on the basis of the settlement with the Union they retrenched only 57 workers. He proved the settlement marked Ext. D in this proceeding. He stated that as per the terms of the settlement, all the retrenched workmen were paid their one month salary. He denied the suggestion made to him that after termination of employment of these workman they appointed new persons in their place. He specifically denied this with regard to the sweepers who had been retrenched. He admitted that no notice prior to retrenchment was served on the workman and stated that it was not served because the retrenchment was brought about on the basis of a bipartite agreement. He admitted that no notice was sent to the appropriate government regarding surpluses of the staff engaged in the mines.

Admittedly, there being retrenchment of this workman and others who had been in continuous service for not less than one year under the Mining Corporation, and the Mining Corporation or the SGBK Manganese mines being an industrial establishment in which not less than 100 workmen were employed on average per working day for the preceding 12

months, the provisions of Section 25-N of the Industrial Disputes Act is attracted.

Section 25-N provides :—

"No workman employed in any industrial establishment to which this Chapter applies, who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until :—

(a) the workman has been given three months' notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice; and

(b) the prior permission of the appropriate Government or such authority as may be specified by that Government by notification in the Official Gazette, (hereafter in this section referred to as the specified authority) has been obtained on an application made in this behalf.

(2) An application for permission under sub-section (1) shall be made by the employer in the prescribed manner stating clearly the reasons for the intended rertrenchment and a copy of such application shall also be served simultaneously on the workmen concerned in the prescribed manner.

(3) Where an application for permission under sub-section (1) has been made, the appropriate Government or the special authority after making such enquiry as it thinks fit and after giving a reasonable opportunity of being heard to the employer, the workmen concerned and the persons interested in such retrenchment, may, having regard to the genuineness and adequacy of the reasons stated by the employer, the interests of the workmen and all other relevant factors, by order and for reasons to be recorded in writing grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workmen.

(4) Where an application for permission has been made under sub-section (1) and the appropriate Government or the specified authority does not communicate the order granting or refusing to grant permission to the employer within a period of sixty days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.

(5) An order of the appropriate Government or the specified authority granting or refusing to grant permission shall, subject to the provisions of sub-section (6) be final and binding on all the parties concerned and shall remain in force for one year from the date of such order.

(6) The appropriate Government or the specified authority may, either on its own motion or on the application made by the employer or any workman, review its order granting or refusing to grant permission under sub-section (3) or refer the matter or, as the case may be cause it to be referred, to a Tribunal for adjudication :

Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an Award within a priod of thirty days from the date of such reference.

(7) Where no application for permission under sub-section (1) is made, or where the permission for any retrenchment has been refused, such retrenchment shall be deemed to be illegal from the date on which the notice of retrenchement was given to the workman and the workman shall be entitled to all the benefits under any law for the time being in force as if no notice had been given to him.

(8) Notwithstanding anything contained in the foregoing provisions of this section, the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the establishment or death of the employer or the like; it is necessary so to do, by order, direct that the provisions of sub-section (1) shall not apply in relation to such establishment for such period as may be specified in the order.

(9) Where permission for retrenchment has been granted under sub-section (3) or where permission for retrenchment is deemed to be granted under sub-section (4), every workman who is employed in that establishment immediately before the date of application for permission under this section shall be entitled to receive, at the time of retrenchment compensation which shall be equivalent to fifteen days average pay for every completed year of continuous service or any part thereof in excess of six months."

The conditions precedent to the retrenchment of the workman as provided in Section 25-N have, admittedly, not been complied by the Mining Corporation. It has been argued on behalf of the Mining Corporation that the provisions contained in Section 15-N of the Act have to be read alongwith Section 25-F of the Act which stipulates that no notice is necessary if the retrenchment is under an agreement and in the instant case, the services of the second party workman having been terminated on the basis of an agreement he was not entitled to a notice prior to his retrenchment.

I do not understand as to why Section 25-N should be read alongwith Section 25-F so far as the present case is concerned.

Assuming that Section 25-F is applicable to the shoul be read alongwith Section 25-F so far as the present case is concerned.

25-F. Conditions precedent to retrenchment of workmen.— "No workmen employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until :—

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in

lieu of such notice, wages for the period of the notice:

Provided that no such notice shall be necessary if the retrenchment is under an agreement which specified a date for the termination of service;

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette."

The proviso to Section 25-F (a) was omitted by the Act 49 of 1984 with effect from 18th August, 1984. The retrenchment of the workmen having been effected on 19-6-1984, the proviso comes up for consideration in the present case.

7. The management of the Mining Corporation relies upon Ext. D as the agreement and contends that on account of existence of this agreement Ext. D, notice prior to retrenchment on the workman was not necessary.

Ext. D dated 16-6-1984 which has been signed by the representatives of the Mining Corporation and by some persons as the representatives of the Orissa Mining Workers Union has been described as "minutes of discussion" and not as an agreement or settlement. Assuming that Ext. D is an agreement, the Management can not press it into its service because in Ext. D no date has been specified for termination of employment of the workman. Nowhere in Ext. D it has been mentioned that the services of the workman would be terminated with effect from 19-6-84.

Apart from this, Ext. D can not be said to be an agreement between the workmen and the Management relating to termination of his services.

Industrial Law recognises settlement of industrial disputes between the parties. Section 2(p) of the Industrial Disputes Act defines a settlement in the following manner :—

"2(P) : 'Settlement' means a settlement arrived at in the course of conciliation proceeding, and includes a written agreement between the employer and, workmen arrived at otherwise than in the course of conciliation proceeding where such agreement has been signed by the parties thereto in such manner as may be prescribed and a copy thereof has been sent to an officer authorised in this behalf by the appropriate Government and the conciliation officer."

The aforesaid definition thus, includes a written agreement between the employer and the workmen themselves or through the representatives of their Union) arrived privately where such agreement has been signed by the parties thereto (or by their representatives) in such manner as prescribed and a copy thereof has been sent to the appropriate government.

Rule 58 of the Industrial Disputes (Central) Rules provides that a settlement arrived at in the course of conciliation proceedings or otherwise, shall be in Form 'H'. Ext. D has not been drawn up in Form 'H'. Sub-rule 4 of Rule 58 provides that where a settlement is arrived at between an employer and his workmen otherwise than in the course of conciliation proceeding before a Board or a Conciliation Officer, the parties to the settlement shall jointly send a copy thereof to the Central Government the Chief Labour Commissioner (Central) New Delhi, and Regional Labour Commissioner (Central) and to the Assistant Labour Commissioner (Central) concerned. Admittedly, the copy of Ext. D has not been sent to any of these authorities by either party.

In the circumstance, apart from the fact that there is no evidence before me as to whether the persons who signed Ext. D as the representatives of the Workers Union, were in fact, the representatives of the said Union and as such were authorised to enter into any agreement with the Management of the Mining Corporation on the question of termination of the services of the workmen Ext. D by no stretch of imagination can be said to be an 'agreement' as envisaged by the proviso to Section 25-F (a) so as to entitle the Management of the Mining Corporation to dispense with the requirement of service of statutory notice on the workman prior to his retrenchment.

8. On behalf of the Management-Corporation, it has been urged that the workman has been paid his salary for one month on retrenchment and the same should be treated as retrenchment compensation. I do not think, such a contention is acceptable because the Management has paid the said amount in lieu of notice to which the workman was entitled u|s 25-F (a) of the Industrial Disputes Act. This amount was paid to the workman one day after his retrenchment i.e. on 20-6-1984. If this amount was paid as retrenchment compensation, then it has got to be held that there was no notice or no payment in lieu of notice. Looked from whatever angle, there has been non-compliance of the provisions of Section 25-F, if it is applicable.

Thus, on the aforesaid analysis, it has got to be held that the retrenchment of the second party-workman is invalid and inoperative.

9. With regard to the issue as to whether the second party-workman was a surplus labourer to be retrenched, there is no evidence before me except the bare oral statement of M.W. 3 that he was surplus which has been denied by the workman. In the circumstance, it is not possible to hold that the second party was a surplus labourer and as such he was liable to be retrenched.

10. Now coming to the question of relief, in the circumstances of this case, I do not think, there can be any other order than an order for reinstatement of the second party-workman. Keeping in view the

cumstances that he was an employee of the ex-lessee M|s Serauddin & Co. and was employed temporarily by the Mining Corporation on compassionate ground and also considering the fact that the Mining Corporation faced difficulties in operating the mines for different reasons and also its financial viability I think, it will meet the ends of justice if the second party-workman who rendered no service to the corporation since after his retrenchment is allowed 50 per cent of his wages last drawn by him from the date of his retrenchment till he is re-employed. If at all he is found to be surplus labourer, the Management of the Corporation is free to retrench him incoordance wih law.

10. The reference is answered accordingly.

S. K. MISRA, Presiding Officer

[No. L-27012|1|85. D. III.(B)]

Transcribed to my dictation
and corrected by me.

Sd|-

S. K. MISRA, Presiding Officer,

Industrial Tribunal.
Dated 22-9-88.

का. आ. 3222.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस. जी. बी. के मैनेजिंग डायरेक्टर मैसर्स उड़ीसा माईनिंग कारपोरेशन लि. ऐट पो. ओ. गुरुदा बाजा जोड़, जिला: क्योंझर (उड़ीसा) के प्रबन्ध तंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4/10/88 को प्राप्त हुआ था।

S.O. 3222.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SGBK Manganese Mines of M|s. Orissa Mining Corporation Ltd., At|P.O. Guruda, Via Joda, Distt. Keonjhar (Orissa) and their workmen, which was received by the Central Government on the 4th October, 1988.

ANNEXURE

INDUSTRIAL TRIBUNAL, ORRISA, BHUBANESWAR

PRESENT :

Industrial Dispute Case No. 11 of 1986 (Central)
Dated, Bhubaneswar, the 22nd September, 1988

BETWEEN

The Management of SGBK Manganese Mines of M|s. Orissa Mining Corporation Limited, At|P.O. Guruda, Via-Joda, Distt. Keonjhar.—First Party—Management.

Versus

Their workmen Sri Lalmohan Mahato, At|P.O. Guruda, Via-Joda, Distt. Keonjhar.—Second Party—Workman.

APPEARANCES :

Shri G. K. Mitra, Labour Welfare Officer.—For the First Party—Management.

Sri B. Khillar.—For the Second Party—Workman.

AWARD

1. This reference by the Government of India, Ministry of Labour in exercise of powers conferred upon them under Section 10(1)(d) and Section 10(2-A) of the Industrial Disputes Act, 1947 and by their Order No. L-27012|17|85-D.III(B) dated 26th August, 1986 has been made for adjudication of the following dispute between the employer in relation to the Management of SGBK Manganese Mines of M|s. Orissa Mining Corporation Limited (for short, Mining Corporation) and their workman named in the schedule of reference :—

SCHEDULE

"Whether the action of the Management of SGBK Manganese Mines of M|s. Orissa Mining Corporation Ltd., At|P.O. Guruda, Via-Joda, Distt. Keonjhar (Orissa) in terminating the services of Sri Lalmohan Mahato, Register Keeper is justified? If not, to what relief is the workman entitled?"

2. The S.G.B.K. Mines, which is a Manganese Ore Mines, was being operated by M|s. Serajuddin & Co. under a lease granted by the Government of Orissa. On expiry of the period of lease, M|s. Serajuddin & Co. applied for renewal of the same but it was refused. Ultimately, with a view to operate the Mines in public sector, the State Government through its Senior Mining Officer took over its possession on 28-5-1982 (Ext. A). In accordance with a Government decision, the mining area was made over to the Orissa Mining Corporation Ltd., a Government of Orissa Corporation to operate the mines as agent of the State Government. Pursuant to this decision, possession of the Mines was made over to the Mining Corporation for raising Manganese and iron ores on 8-6-1982 (Ext. 2). The Corporation commenced work in the mines with effect from 18-6-1982 (Ext. 3). One of the considerations for which the State Government decided that the mines is to be operated by the Mining Corporation as an Agent of the State was to provide employment to the workers engaged in the mines by the ex-lessee (Ext. A).

The Mining Corporation with a view to commence work in the mines from 18-6-1982, issued notice Ext. 3 on 17-6-1982 for information of the employees working in the concerned mines previously that recruitment for new appointment by the Mining Corporation of such previous workers would start from 18-6-1982 and therefore eligible persons may contact the Mines Manager of the concerned mines for such appointment within three days of the display of the notice on the notice board. Appointment letters were also issued to such workmen as evidenced by Ext. B series, temporarily appointing them for a period of 60 days from 18-6-1982 which was extended from time to time without any interruption until 19-6-1984 when 57 of such employees were disengaged on the ground that their services were no-longer required and they were surplus (Ext. 1).

The second party-workman in this proceeding is a Register Keeper whose name is at Sl. 34 of the order of retrenchment Ext. 1. After this order was issued and given effect to, dispute was raised leading to the present reference.

3. The second party-workman challenged the order of termination as bad on the ground that it was brought about without compliance of the requirements of Section 25-N of the Industrial Disputes Act and further that in fact, he was not a surplus workman to be retrenched.

4. The First Party, namely, the Management of the Mining Corporation filed written statement stating the circumstances under which the second party workman was found surplus and as such was liable to be retrenched. In paragraphs 5, 6 and 7 of its written statement, it stated that though the mines was handed over to the Mining Corporation in June, 1982, the mining machinery, workshop tools and other implements for operating the mines were not handed over and therefore, the mechanical staff in the mines were paid idle wages. Besides, in the absence of a lease in favour of the Mining Corporation and on account of fall of demand of Manganese ore during the period from 1982 to 1984, the stock of Manganese ores in the SGBK mines increased necessitating reduction of production. A large number of Register Keepers appointed by the ex-lessee also remained idle. Under the aforesaid situation, the Corporation suggested to the workers union that 117 employees of the ex-lessee who had be on sitting idle and were being paid idle wages should be retrenched. After protracted discussion between the workers Union and the Management of the Corporation, it was ultimately mutually agreed that 71 persons should be retrenched. These 71 persons included 15 persons who had attained the age of superannuation and out of the rest 56, 18 persons were to be given fresh appointments only after they registered their names in the local employment exchange and appeared for test and interview. Accordingly, a bi-partite agreement was entered into and signed on behalf of the Mining Corporation and the members of the Workers Union representing the workmen of the SGBK mines on 16-6-1984.

It may be stated here that the services of the workman in this proceeding Sri Lalmohan Mahato was not terminated on the ground that he had attained the age of superannuation. His services were terminated as being surplus.

The plea of the Management of the Mining Corporation with regard to the compliance of the provisions of Section 25-N of the Industrial Disputes Act is that since the retrenchment was brought about under an agreement, one month notice prior to retrenchment was not necessary and besides, the workman has been paid his salary for one month at the time of retrenchment which should be taken as retrenchment compensation paid to him at the rate of his 15 days wages for one year of completed service.

5. On the pleadings of the parties, the issues which arise for consideration in this proceeding are :—

(i) Whether there has been compliance of Section 25-N of the Industrial Disputes Act on or prior to the date when the second party-workman was retrenched ?

(ii) If retrenchment of the workman as a surplus labourer was justified ?

(iii) If the retrenchment of the workman was illegal and invalid, to what relief he is entitled ?

6. The workman examined as W.W.1 in this proceeding stated on oath that he was not served with any retrenchment notice before he was retrenched. He admitted that on 24-6-1984 he was paid Rs. 1135|-. In his cross-examination, he denied the suggestion made to him that he was found to be a surplus labourer and therefore, his services were terminated M.W.1, the Senior Mining Officer of the State Government stationed at Joda stated that he made over possession of the SGBK Manganese mines which had been taken over from M|s. Sarajuddin & Co. to the Mining Corporation but the machineries of the mines belonging to M|s. Sarajuddin & Co. were not delivered to the Mining Corporation because the inventory thereof had not been completed. M.W.2, the General Manager of the Mining Corporation stated that he took over possession of the SGBK mines and at that time the employee of the said mines had been sitting idle. Those employees of as per the Government decision were given temporary employment and were issued appointment orders like Exts. B series. He stated during his cross-examination that he had no knowledge if any retrenchment notice had been issued to the workman prior to their retrenchment. M.W.3 who was the Manager of the mines in question stated that after the mines was taken possession of, on the instruction of the State Government, the Mining Corporation started giving temporary appointments to the employees of M|s. Serajuddin Company who had been laid off by the said company. He also stated that from 1982 to 1984 those employees were allowed to continue in service although there was no work for them because of non-availability of mining machineries and this was done according to him on humanitarian grounds. He stated that in 1984 they worked out the number of surplus staff in the mines and found that the number of surplus staff in the mines and found that there were 117 of them but on the basis of the settlement with the Union, they retrenched only 57 workers. He proved the settlement marked Ext. D in this proceeding. He stated that as per the terms of the settlement, all the retrenched workman were paid their one month salary. He denied the suggestion made to him that after termination of employment of these workmen they appointed new persons in their place. He specifically denied this with regard to the Register Keepers who had been retrenched. Admittedly notice prior to retrenchment was not served on the workman and the plea of the management is that it was not served because the retrenchment was brought about on the basis of a bipartite agreement. He admitted that no notice was sent to the appropriate government regarding surplusage of the staff engaged in the mines.

Admittedly, there being retrenchment of this workman and others who had been in continuous service for not less than one year under the Mining Cor-

poration, and the Mining Corporation of the SGBK Manganese mines being an industrial establishment in which not less than 100 workmen were employed on average for working day for the proceeding 12 months, the provisions of Section 25-N of the Industrial Disputes Act is attracted.

Section 25-N provides :—

"No workman employed in any industrial establishment to which this Chapter applies, who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until :—

(a) the workman has been given three months' notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice ; and

(b) the prior permission of the appropriate Government or such authority as may be specified by that Government by notification in the Official Gazette, (hereinafter in this section referred to as the specified authority) has been obtained on an application made in this behalf.

(2) An application for permission under sub-section (1) shall be made by the employer in the prescribed manner stating clearly the reasons for the intended retrenchment and a copy of such application shall also be served simultaneously on the workmen concerned in the prescribed manner.

(3) Where an application for permission under sub-section (1) has been made, the appropriate Government or the specified authority, after making such enquiry as it thinks fit and after giving a reasonable opportunity of being heard to the employer, the workmen concerned and the persons interested in such retrenchment, may, having regard to the genuineness and adequacy of the reasons stated by the employer, the interests of the workmen and all other relevant factors, by order and for reasons to be recorded in writing, grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workmen.

(4) Where an application for permission has been made under sub-section (1) and the appropriate Government or the specified authority does not communicate the order granting or refusing to grant permission to the employer within a period of sixty days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.

(5) An order of the appropriate Government or the specified authority granting or refusing to grant permission shall, subject to the provisions of sub-section (6), be final and binding on all the parties concerned and shall remain in force for one year from the date of such order.

(6) The appropriate Government or the specified authority may, either on its own motion or on the application made by the employer or any workman, review its order granting or refusing to grant permission under sub-section (3) or refer the matter or, as the case may be, cause it to be referred, to a Tribunal for adjudication :

Provided that there a reference has been made to a Tribunal under this sub-section, it shall pass an Award within a period of thirty days from the date of such reference.

(7) Where no application for permission under sub-section (1) is made, or where the permission for any retrenchment has been refused, such retrenchment shall be deemed to be illegal from the date on which the notice of retrenchment was given to the workman and the workman shall be entitled to all the benefits under any law for the time being in force as if no notice had been given to him.

(8) Notwithstanding anything contained in the foregoing provisions of this section, the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the establishment or death of the employer or the like, it is necessary so to do, by order, direct that the provisions of sub-section (1) shall not apply in relation to such establishment for such period as may be specified in the order.

(9) Where permission for retrenchment has been granted under sub-section (3) or where permission for retrenchment is deemed to be granted under sub-section (4), every workman who is employed in that establishment immediately before the date of application for permission under this section shall be entitled to receive, at the time or retrenchment, compensation which shall be equivalent to fifteen days average pay for every completed year of continuous service or any part thereof in excess of six months".

The conditions precedent to the retrenchment of the workman as provided in Section 25-N have, admittedly, not been complied by the Mining Corporation. It has been argued on behalf of the Mining Corporation that the provisions contained in Section 25-N of the Act have to be read alongwith Section 25-F of the Act which stipulates that no notice is necessary if the retrenchment is under an agreement and in the instant case, the services of the second party workman having been terminated on the basis of an agreement he was not entitled to a notice prior to his retrenchment.

I do not understand as to why Section 25-N should be read alongwith Section 25-F so far as the present case is concerned.

Assuming that Section 25-F is applicable to the present case, it does not help the Corporation in any manner. It reads :—

25-F Conditions precedent to retrenchment of workmen.—"No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until :—

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;

Provided that no such notice shall be necessary if the retrenchment is under an agreement which specifies a date for the termination of service;

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government or such authoority as may be specified by the appropriate Government by notification in the Official Gazette."

The proviso to Section 25-F (a) was omitted by the Act 49 of 1984 with affect from 18th August, 1984. The retrenchment of the workmen having been effected on 19-6-1984, the proviso comes up for consideration in the present case.

7. The Management of the Mining Corporation relies upon Ext. D as the agreement and contends that on account of existence of this agreement Ext. D, notice prior to retrenchment on the workmen was not necessary.

Ext. D dated 16-6-1984 which has been signed by the representatives of the Mining Corporation and by some persons as the representatives of the Orissa Mining Workers Union has been described as "minutes of discussion" and not as an agreement or settlement. Assuming that Ext. D is an agreement, the Management can not press it into its service because in Ext D no date has been specified for termination of employment of the workman. Nowhere in Ext. D it has been mentioned that the services of the workman would be terminated with effect from 19-6-84.

Apart from this, Ext. D can not be said to be an agreement between the workmen and the Management relating to termination of his services.

Industrial Law recognises settlement of industrial disputes between the parties. Section 2 (P) of the Industrial Disputes Act defines a settlement in the following manner :—

2(P): "Settlement" means a settlement arrived at in the course of conciliation proceeding, and includes a written agreement between the employer and, workmen arrived at otherwise than in the course of conciliation proceeding where such agreement has been signed by the parties thereto in such manner as may be prescribed and a copy thereof has been sent to an officer authorised in this behalf by the appropriate Government and the conciliation officer."

The aforesaid definition thus, includes a written agreement between the employer and the workmen (themselves or through the representatives of their Union) arrived privately, where such agreement has been signed by the parties thereto (or by their representatives) in such manner as prescribed and a copy thereof has been sent to the appropriate Government.

Rules 58 of the Industrial Disputes (Central) Rules provides that a settlement arrived at in the course of conciliation proceedings or otherwise, shall be in Form 'H'. Ext. D has not been drawn up in Form 'H'. Sub-rule 4 of Rule 58 provides that where a settlement is arrived at between an employer and his workmen otherwise than in the course of conciliation proceeding before a Board or a Conciliation Officer, the parties to the settlement shall jointly send a copy thereof to the Central Government, the Chief Labour Commissioner (Central) New Delhi, and Regional Labour Commissioner (Central) and to the Assistant Labour Commissioner (Central) concerned. Admittedly, the copy of Ext. D has not been sent to any of these authorities by either party.

In the circumstance, apart from the fact that there is no evidence before me as to whether the persons who signed Ext. D as the representatives of the Workers Union, were in fact, the representatives of the said Union and as such were authorised to enter into any agreement with the Management of the Mining-Corporation on the question of termination of the services of the workmen, Ext. D by no stratch of imagination can be said to be an 'agreement' as envisaged by the proviso to Section 25-F(a) so as to entitle the Management of the Mining Corporation to dispense with the requirement of service of statutory notice on the workman prior to his retrenchment.

8. On behalf of the Management-Corporation, it has been urged that the workman has been paid his salary for one month on retrenchment and the same should be treated as retrenchment compensation. I do not think, such a contention is acceptable because the Management has paid the said amount in lieu of notice to which the workman was entitled uls 25-F (a) of the Industrial Disputes Act. This amount was paid to the workman on 24-6-84. If this amount was paid as retrenchment compensation, then it has got to be held that there was no notice or no payment in lieu of notice. Looked from whatever angle, there has been non-compliance of the provisions of Section 25-F, if it is applicable.

Thus, on the aforesaid analysis, it has got to be held that the retrenchment of the second party- workman is invalid and inoperative.

9. With regard to the issue as to whether the second party-workman was a surplus labourer to be retrenched, there is no evidence before me except the bare oral statement of M.W. 3 that he was surplus which has been denied by the workman. In the circumstance, it is not possible to hold that the second party was a surplus labourer and as such he was liable to be retrenched.

10. Now coming to the question of relief, in the circumstances of this case, I do not think, there can be any other order than an order for reinstatement of the second party-workman. Keeping in view the circumstances that he was an employee of the ex-lessee M|s Serajuddin & Co. and was employed temporarily by the Mining Corporation on compassionate ground and also considering the fact that the Mining

Corporation faced difficulties in operating the mines for different reasons and also its financial viability I think, it will meet the ends of justice if the second party-workman who rendered no service to the corporation since after his retrenchment is allowed 50 per cent of his wages last drawn by him from the date of his retrenchment till he is re-employed. If at all he is found to be surplus labourer, the Management of the Corporation is free to retrench him in-accordance with law.

10. The reference is answered accordingly.

S. K. MISRA, Presiding Officer

[No. L-27012|17|85.D.III(B)]
V. K. SHARMA, Desk Officer

नई दिल्ली, 13 अक्तूबर, 1988

का. आ. 3223.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स वैस्टर्न कोलफील्डज लि., वार्धा वैली एरिया के प्रबन्धतंत्र से संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-10-88 को प्राप्त हुआ था।

New Delhi, the 13th October, 1988

S.O. 3223.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. II, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M|s. Western Coalfields Limited Wardha Valley Area and their workmen, which was received by the Central Government on the 4th October, 1988

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 BOMBAY
Reference No. CGIT-2|12 of 1986

PARTIES

Employers in relation to the management of New Majri Colliery of W.C.L.

AND

Their workmen.

APPEARANCES

For the Employers.—Shri A K. Sasi, Advocate
For the Workmen.—No appearance.

INDUSTRY : Coal Mines. STATE : Maharashtra.
Bombay, dated the 13th September, 1988

AWARD

The Central Government by their Order No. L-22012(67)|85-D. V dated 6-2-1986, has referred the following industrial dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 :—

"Whether the management of M|s. Western Coalfields Limited, Wardha Valley Area, through the Manager, New Majri Colliery Mine No. 2, Sub Area No. 1, P.O. Shivajinagar, Dist. Chandrapur is justified in ordering dismissal of the workman Shri Baban Ramchandra Goche with effect from 20-6-1984 ? If not to what relief the said workman is entitled ?"

2. Pending this reference both the parties have arrived at an amicable settlement and filed their terms of settlement which are thus :—

"1. The workman Shri Baban Ramchandra Goche will be reinstated in the same post as held by him at the time of termination.

2. The period of absence from the date of his termination to the date of joining will be treated as dies-non on the principle of "No work No Pay".

3. The workman will not be entitled to wages or any other payment whatsoever for the period of idleness from the date of his termination to the date of his reinstatement| joining his duties.

4. On reinstatement, Shri Baban Ramchandra Goche will be kept on probation for a period of one year during which his attendance, performance conduct will be closely watched. An assurance of good performance, conduct and punctuality will be furnished by the workman before joining his duties. If performance conduct during the probation period is not found satisfactory, his services will be liable to be terminated. However, if his performance and conduct during the probation period are found satisfactory the management may consider to grant him a continuity of service for the limited purpose of payment of gratuity.

5. The posting of Shri Baban Ramchandra Goche shall be decided by the Management.

6. The workman will be allowed to join duty within the period of one month of signing this memorandum of settlement.

7. It is agreed that a copy of this settlement will be presented by both the parties jointly before the Hon'ble CGIT-2, Bombay where the case is pending, for passing the consent Award by the Hon'ble Tribunal."

The said settlement has been signed by the said workman Shri Baban Ramchandra Goche and by the General Secretary of the Rashtriya Vidarbha Coal Employees Union, Chandrapur and also by the Personal Manager, WCL, Wani Area.

3. I find that the above said settlement is quite in the interests of the workman. As such I accept it. Hence Award must be and is drawn in terms of the settlement.

Award accordingly.

P. D. APSHANKAR, Presiding Officer

[No. L-22012(67)|85-D. V]

का. आ. 3224.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ने भारतीय खाद्य निगम, टिटलागढ़ के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-10-88 को प्राप्त हुआ था।

S.O. 3224.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India Titlagarh and their workmen, which was received by the Central Government on the 6th October, 1988.

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT :

Shri S. K. Misra, LL.B,
Presiding Officer, Industrial
Tribunal, Orissa, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 53 OF 1987

(CENTRAL)

Dated, Bhubaneswar, the 24th September, 1988

BETWEEN :

The Management of Food Corporation of India, Titlagarh.

First Party-Management.

AND

Their workmen Sri Subash Chandra Negi and Srinibas Pattnaik, represented by the Regional Secretary, F.C.I. Employees' Union, C|o F.C.I. Regional Officer, Janapath, Bhubaneswar.

..... Second Party-Workmen.

APPEARANCES :

Sri Balakrishan, Deputy Manager (P)

.....For the First Party-Management.

Sri S. C. Malla, Regional Secretary

.....For the Second Party-Workmen

AWARD

1. The Government of India in the Ministry of Labour in exercise of powers conferred upon them by Section 10(1)(d) and Section 10(2-A) of the Industrial Disputes Act, 1947 (14 of 1947) by their Order No. L-12011|53|86-D.II(B) dated 31st July, 1987 have referred the following dispute between the employers in relation to the Management of Food Corporation of India, Titlagarh and their workmen Sri Subash Chandra Negi and one Srinibas Pattnaik for adjudication :—

"Whether the action of the Management of F.C.I., Titlagarh in terminating the services of S|Shri Subash Chandra Negi and Srinibas Pattnaik with effect from 7-7-1984 is legal and justified ? If not, to what relief the workmen are entitled to ?"

2. The facts leading to the present dispute are as follows :—

The Food Corporation of India had a Food Storage Depot at Sonepur in the district of Bolangir under the control of the District Manager, Titlagarh. The workmen Sri Subash Chandra Negi and Sri Srinibas Pattnaik were engaged in the said depot as casual labourer on daily rated wage basis with effect from 19-12-1976 and 3-5-1982 respectively. The said depot was dehired and closed on 7-7-1984. The above named two workmen were not given any employment thereafter. Then in August, 1984 both Sri Negi and Sri Pattnaik submitted representations to the District Manager, F.C.I. District Office Titlagarh with copy to the Regional Manager, F.C.I., Bhubaneswar stating that they have served respectively from the year 1976 and 1982 but have been retrenched without service of any notice on them. They demanded that they should be adjusted in any other job of the Corporation immediately as per law (Exts 2 and 3). Their demands having not been acceded to, they raised the present dispute.

3. The case of the workmen as would be found from the written statement filed on heir behalf by the Regional Secretary of the F.C.I. employees Union, Orissa Region, Bhubaneswar, is that the above named two workmen having worked under the Corporation for more han seven years and two years respectively should have been regularised and after the Food Storage Depot of the Corporation at Sonepur was dehired and closed, they should have been adjusted against the posts in other depots within the jurisdiction of the District Manager, Titlagarh. Their further case is that their non-engagement of work in the depot after 7-7-1984 amounted to retrenchment and such retrenchment is illegal because of non-compliance of the appropriate conditions prescribed by the Industrial Disputes Act.

4. The First Party-Management in paragraph 4 of its written statement while denying the workmen's assertions about their continuous employment under the First Party, stated that Sri Subash Chandra Negi was engaged on 19-12-1976 and the workman Sri Srinibash Pattnaik was engaged on 3-5-1982. It further stated that they were not recruited to any post on daily wage basis or through Employment Exchange. It also stated that on 7-7-1984 the Food Storage Depot of the Food Corporation of India at Sonepur was dehired and closed and consequently

the above named two workmen did not on their own, any longer. This is fantastic. If the epot was closed, where they would have worked ?

The Management of the F.C.I. then referred to the instructions issued by its Head Office regarding regularisation of the services of class-iv daily rated casual workers. Such workers were categorised into three groups.

The first group were those whose names were sponsored by the Employment Exchange and were appointed after interview.

The second category were those who were appointed before 25-1-1976 without being sponsored by the Employment Exchange.

The third category were those who were appointed after 25-1-1976 without being sponsored by the Employment Exchange.

It was averred by the First Party-Management that the daily rated workers in category 'A' were regularised straightway and those in category 'B' were allowed to be interviewed alongwith the candidates sponsored by the employment exchange. Casual daily rated workers in category 'C' were to be disengaged.

On the basis of the aforesaid principle, 21 casual workers from the district office at Titlagarh were called for interview in April, 1978, out of whom 11 were considered suitable and were appointed on regular basis. Out of the category 'B', two were appointed as Watchmen on regular basis.

The case of the First Party in the written statement is that both the concerned workmen Sri Subash Chandra Negi and Srinibas Patnaik having ben engaged after d25-1-1976, could have ben terminate straightaway on the basis of the instructions from the Head Office on payment of retrenchment compensation but on compassionate ground, they were allowed to continue as daily rated workers till 7-7-1984 when the depot was closed. In paragraph 9 it was stated that 24 vacancies were filled up in 1984 by persons belonging to Schedule Castes and Schedule Tribes as per the decision of the Head Office.. In paragraph-10 of the written statement, it was stated that during the year 1984, the sanctioned strength of Watchmen in Orissa region of the F.C.I. was 367 but as against the said sanctioned posts, there were already 391 persons in employment and therefore, there were no vacancies for regularising the services of the two concerned workmen. In paragraph 14 of its written statement, the Management stated that the concerned workmen Sri Negi and Sri Pattnaik were respectively engaged in 1976 and in 1982 verbally on 'no work, no pay' basis at Sonepur depot which had been opened temporarily for distribution of food grains. After the depot was closed, the services of the two concerned workmen were no longer required and as is averred by the First Party—Management. "They are at best entitled to retrenchment compensation, if any, if they have continuously worked for 240 days during the preceding 12 months from the date of the closure of the said depot with effect from 7-7-1984".

The averments made in the written statement of the First Party—Management at many places are irrelevant, confusing and ambiguous. Their plea seems to be that the two concerned workmen being appointed verbally and being casual daily rated employees, were not 'workmen' within the meaning of the Industrial Disputes Act and as such they are not entitled to any relief in this proceeding.

5. On the pleadings of both parties, the following issues were framed :—

ISSUES

(1) If the Second Party Sri Subash Chandra Negi and Sri Srinibas Pattnaik were not workmen under the First Party—Management as defined in Section 2(s) of the Industrial Disputes Act, 1947 ?

(2) If the termination of employment of the Second Party—Workman is legal and/or justified ?

(3) To what relief, if any, the Second Party—Workmen are entitled ?

FINDINGS

6. Issue No. 1.—So far as Issue No. 1 is concerned, I do not think, there is any substance in the plea of the First Party—Management that the concerned employees were not workmen within the meaning of the Industrial Dispultes Act, 1947. Section 2(s) of the Industrial Disputes Act defines "workman" in the following manner :—

> Section 2(s) : "workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operation, clerical or supervisory work for hire or reward, whether the terms of employment by express, implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of that dispute, or whose dismissal, discharge or retrenchment has led that dispute, but does not include any such person :—
>
> (i) who is subject to the Air Force Act, 1950, or the Army Act, 1950, or the Navy Act, 1957, or
>
> (ii) who is employed in the police service or an officer or employee of a prison; or
>
> (iii) who is employed mainly in a managerial or administrative capacity; or
>
> (iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

It has been held consistently that the term "workman" as defined in Section 2(s) of the Act is very wide and includes all persons who are employed in the industry including even an apprentice. Even a part-time employee is covered by this definition (See 1988 LAB.I.C. 505—Govindbhai Kanabhai Maru, vrs. N. K. Desai). Having served under the First Party-Management from 1976 and 1982 respectviely both Sri Negi and Sri Pattnaik must be held to come within the definition of "Workman" in Section 2(s) of the Industrial Disputes Act.

I would accordingly say that both the concerned workmen Sri Negi and Sri Pattnaik were|are workmen within the meaning of the Industrial Disputes Act.

7. Issue No. 2 :—Now coming to the question as to whether the termination of employment of the workmen by the First Party-Management was legal and|or justified, I find that the First Party-Management at the first stage of its written statement attempted to advance a case of voluntarily abandonment of employment. In paragraph 5 of the written statement, it stated that : "The said Food Storage Depot at Soneur was admittedly, dehired and closed on 7-7-84 and consequent upon this the aforesaid two workmen on their own, did not work any longer." This was a preposterous proposition Then in paragraph-14 it stated thus :—

"They were verbally engaged on "No work, no pay" basis at Sonepur which was opened temporarily for distribution of foodgrains. When the said depot was closed the services of the aforesaid two casual workers were no longer required and they are at best entitled to retrenchment compensation, if any, if they have continuously worked for 240 days during the preceding 12 months from the date of the closure of the said depot with effect from 7-7-1984."

In paragraph 15 of the written statement, it has stated that :—

> "Paragraph 4 of the said circular is clear which states that casual employees who do not fulfil the conditions of appointment shall have to be retrenched on payment of compensation. In the instant case Sri Negi and Sri Pattnaik were disengaged from 7-7-84. They were not working against regular vacancies during June|July, 1984."

Disengagement of the two concerned workmen as surplus labourers, has thus been admitted by the First Party-Management.

8. In this proceeding both the workmen examined themselves as W.Ws. 1 and 2. W.W.1, Sri Subhash Chandra Negi stated that on 7-7-1984 he was refused employment because the Management of the Food Corporation of India closed their depot at Sonepur. He demanded employment in any other depot but no employment was given to him though the F.C.I. continued to carry on its business and activities in the district of Bolangir. He also stated that previously wheneven such temporary depots were closed, the casual workers working in those depots were adjusted by the F.C.I. In their other depots, W.W.1 further stated that prior to his retrenchment, the Management gave him no notice and did not pay him any retrenchment compensation. Being cross-examined, he stated that Sri N. C. Dey, Sri N. C. Pani, Sri K. C. Barik and Sri A. C. Behera who had been working as casual labourers and were juniors to him, have been taken back by the F.C.I. Management as regular employees. It was suggested to him that he did not demand to be regularised which he denied. W.W. 2 Srinibash Pattnaik stated that he was retrenched on 7-7-1984 when the F.C.I. Management closed its Sonepur depot. He was not given any notice prior to his retrenchment and was not paid any retrenchment compensation. On his demand for re-employment, he was told that he would be given employment in another depot but no employment was given to him. He also stated that the Food Corporation of India is carrying on its business and activities in the district of Bolangir through other depots. In his cross-examination suggestion was made to him that after his retrenchment he did not make demand for employment on regular basis which he denied.

On behalf of the Management, no oral evidence was adduced.

9. Argument was advanced that Sonepur depot was closed necessitating disengagement of the concerned workmen and as such at best they could be entitled to receive closure benefits.

Section 25-FFF of the Industrial Disputes Act provides that where an undertaking is closed down for any reason whatsoever, every workman who has been in continuous service for not less than one year in that undertaking immediately before such closure shall, subject to the provisions of sub-section (2), be entitled to notice and compensation in accordance with the provisions of Section 25-F, as if the workman had been retrenched.

10. Question is, if the Food Storage Depot at Sonepur of the Food Corporation of India was an "undertaking" within the meaning of Section 25-FFF.

Food Corporation of India, Orissa zone is divided into several districts. Titlagarh in the district of Bolangir is a F.C.I. district with its district office located at Titlagarh. It has Food Storage Depots at Kesinga, Dungripalli and Khariar Road. Food Storage Depots of the F.C.I. at these places can not be said to be independent undertakings within the meaning of Section 25-FFF of the Industrial Disputes Act.

The written statement of the First Party-Management and annexures thereto, go to show that Orissa zone of the F.C.I., as a whole, was considered as an undertaking and the district offices at different places were considered as its units. Opening of a Food Storage depot permanently or temporarily, in my view, can not be said to be establishment of an undertaking.

Such a question came up for consideration in the case of Avon Services (Production Agencies) Pvt. Limited Vs. Industrial Tribunal, Haryana, Faridabad and others reported in 1979 (I) LLJ (I) Though the

facts are different, the principle with regard to the question has been elaborately stated in the aforesaid decision. Their Lordships of the Supreme Court held :—

> "The expression "undertaking" is not defined in the Act. It also finds its place in the definition of the expression 'industry' in Section 2(j). While ascertaining the amplitude of the expression 'undertaking' in the definition of the expression 'industry' noscitur a sociis cannon of construction was invoked and a restricted meaning was assigned to it in Bangalore Sewerage Board Vrs. Rajappa, (1978-I L.L.J. 349), (1978) 3 S.C.R. 207 at 227.. While thus reading down the expression, in the context of Section 25-FFF, it must mean a separate and distinct business or commercial or trading or industrial activity. It can not comprehend an infinitesimally small part of a manufacturing process."

In the circumstances, by no stretch of imagination it can be held that Sonepur Food Storage Depot of the F.C.I. was a nundertaking within the meaning of Section 25-FFF. Before I would record my finding as to whether there had been termination of employment of the two concerned' wormen and if the same was legal or not, I would profitably quote paragraph 18 of the aforesaid judgment in which their Lordships have posed the question :—

Is this then a case of retrenchment or closure and have answered the same by quoting the decision in the case of State Bank of India Vrs. N. Sundara Monev reported in 1976 (3 S.C.R.) 163. Hon'ble Krishna Iyer, J., after examining the definition of the expression "retrenchment" u|s 2(oo) observed :—

> "A break-down of Section 2(oo) unmistakably expands the semantics of retrenchment. 'Termination . . . for any reason whatsoever' are the key words. Whatever the reason, every termination spells retrenchment. So the sole question is, has the employee's service been terminated ? Verbal apparel apart, the substance is decisive. A termination takes place where a term expires either by the active step of the master or the running out of the stipulated term. To protect the weak against the strong this policy of comprehensive definition has been effectuated. Termination embraces not merely the act of termination by the employer, but the fact of termination howsoever produced. May be, the present may be a hard case, but we can visualise abuses by employers, by suitable verbal devices, circumventing the armour of Section 25-F and Section 2(oo). Without speculating on possibilities, we may agree that 'retrenchment' is no longer terra incognita but area covered by an expensive definition. It means 'to end', conclude cease'."

Thus, in the present proceeding, there possibly can not be any two opinion as to the fact that the two concerned workmen were retrenched by the First Party-Management with effect from 7-7-1984. Admittedly, the procedure laid down in Section 25-F having not been followed, such retrenchment has got to be held invalid and inoperative.

10. Issue No. 3 :—Now coming to the question of relief granted to the second party-workman. In view of the findings recorded above that their retrenchment has been invalid and inoperative on account of non-compliance of conditions prescribed u|s 25-F or Section 25-N of the Industrial Disputes Act, they are entitled to the normal relief of reinstatement with full back wages. If the First Party-Management finds and treats them as surplus, it may bring about their retrenchment by following the procedure prescribed under law.

In conclusion, it is held that the second party-workmen have been retrenched illegally with effect from 7-7-1984 and that they are entitled to reinstatement with full back wages.

11. The reference is answered accordingly.

S. K. MISRA, Presiding Officer

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R. K. GUPTA, Desk Officer

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